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ABSTRACT

Described are various models and methods that have helped communities around the United States and Canada give the public a better understanding of legal and judicial systems. An introductory section discusses the role of the legal profession in improving public understanding of the law, how to put together a team to teach about the judicial system, how to find out what the public wants to know about the law, the need for lawyers to write better in order to reach and teach the public, the Canadian approach to public legal education, and how the American Bar Association (ABA) can help with public understanding about the law. The bulk of the publication contains descriptions of model programs. These include favorite programs of the ABA, programs sponsored by judges and the courts, media-related efforts, community education through legal services, school-based programs, and getting the law to the professional community. (RM)

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Understanding the Law

A Handbook on Educating the Public

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ABOUT THE LAW

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FOREWORD

One of my most satisfying experiences in doing volunteer work for bar associations has been the opportunity to help educate nonlawyers about the law. Ironically, this service has led to one of my biggest frustrations—recognizing the inescapable conclusion that the vast majority of the public continues to exhibit an alarming ignorance about the law and its constant impact on their lives.

Fortunately, over the last few years there has been an increased awareness of the need to better educate all segments of society about the law. Not only judges, lawyers and teachers, but politicians, law enforcement officials, the business community and other segments of our society have discovered that better education and understanding about the law produces many positive benefits.

This book is an integral part of the action efforts of the American Bar Association Commission on Public Understanding About the Law. It contains information about ways to use and involve all parts of the community. It describes various models and methods that have helped communities around this country and Canada give the public a better understanding of our legal and judicial systems.

This book was funded under a grant from the American Bar Endowment. We thank the Endowment for its generous contribution to this effort to help the American public better understand our law and legal system.

We wish also to express our gratitude to the many people who made this book possible—the authors of the articles, who took time from their busy schedules to convey what they've learned about helping the public understand the law; Harvey Retzloff, who designed the book; Rebecca Morrison and her staff at the WANG word processing center, who patiently typed revision after revision of this copy, creating the coded WANG diskettes from which this book was automatically typeset; Joe Thompson of the ABA Press, who shot the stats for the book's illustrations; Jack Podell and Donna Tashjian of the ABA Press, who are responsible for the book's cover; and Russell Glidden and his staff at the ABA Press, who oversaw the paste-up of these pages.

We hope this book will help you in your efforts to better educate the public about the law and to facilitate a more comprehensive understanding of its impact in our society.

C. Thomas Ross
Chairman
ABA Commission on Public
Education About the Law

June 10, 1983

The Role of the Legal Profession in Improving Public Understanding of the Law

Morris Harrell

> *Every citizen should know what law is, how it came into existence, what relation its form bears to its substance, and how it gives to society its fibre and strength. . . .*
>
> *– Woodrow Wilson, speech to the American Bar Association, 1894.*

The attainment of this goal, stated so well by the then future President of the United States, is as important to pursue today as it was in 1894. For ours is a legal system that requires public confidence—built on public understanding—to function fairly and effectively.

It is apparent, however, that much needs to be done if we are to achieve this goal.

A host of studies over the years shows that the public finds fault with the legal profession as an institution. Unfounded criticism of the bench and bar also appears to be growing. Yet, at the same time, all too many citizens admit that they have very little real understanding of what lawyers can and cannot do, what judges can and cannot do or how our court system works.

This skepticism which arises from a lack of knowledge about the law has serious consequences. It is, after all, members of the public who elect our judges and lawmakers, make up our juries and who set in motion the issues that can result in new laws. The citizen who is skeptical and does not understand our system also is likely to be one of the increasing number of persons who fails to vote or avoids jury duty.

The problem has built up over time, and will take time to correct, but it deserves our prompt attention. For us to succeed, it will require a continuous and coordinated effort. The task is one of which all citizens should be a part, but it will take special efforts on the part of the legal profession. If we are to remain a profession dedicated to the orderly resolution of disputes, to a government based upon a fair and equitable system of laws, and to a society built on concepts of liberty, we must assign the highest priority to making public understanding of the law a reality.

This book is intended to help us accomplish this vital undertaking. It has been produced by the Commission on Public Understanding About the Law, under the chairmanship of C. Thomas Ross of Winston-Salem, North Carolina. It is designed to give you useful general information on public education about the law and specific examples of model programs.

The three-year public understanding effort now being conducted by the Association is action-oriented. Our goal is to mobilize other groups, including both bar and nonlegal organizations, to become active in educating the public about the law.

The Commission uses already existing channels of communication, including other Association entities, state and local bar associations from every region of the country, and other groups to promote law-related adult education. Training programs are being offered so that these groups can benefit from examples of the fine work already being done.

The Commission's action plan also includes the publication of a newsletter on public education that provides publicity for successful programs throughout the country. Further, the Commission has developed model education programs to serve as a guide and stimulus to others. For example, it has already produced a model program entitled "The First Amendment in our Daily Decision-Making" that focuses on improving the public's understanding of the role of the First Amendment in everyday life. A program to commemorate the upcoming two hundredth anniversaries of the U.S. Constitution and Bill of Rights will involve the bar, business and other groups in a variety of exciting events.

The potential for increased public understanding about the law is limited only by our imagination. Programs designed to focus on community interests and complementing broader efforts can have a lasting impact. This exciting undertaking deserves our energy and attention. It promises a desirable result: the attainment of a society literate about the law.

This book provides many examples of successful public education programs, both through bar efforts and the efforts of public groups. I urge all of you to join with us to make legal literacy a reality in this decade of the constitutional bicentennial.

Morris Harrell, a Dallas attorney, is
President of the American Bar Association.

Putting Together *Your* Team

Charles J. White

Many programs designed to boost public understanding about the law have made a wonderful discovery in the past few years—you don't have to go it alone. Lots of groups and individuals are interested in this area, and by working together they can achieve far more than they ever could separately.

Who are these allies? Do you *have* to work with them? Public understanding about the law is a new area, carried out by a very diverse collection of sponsors, with an equally diverse range of programs. No generalizations will work for every program. Some programs have gone it alone, and have done very well. But a far larger number of projects have found that they can get more for their time and effort if they work together. This article can't answer all questions about who might participate and how they might best be used, but it can suggest the kinds of help that are available if project organizers will only go out looking.

Making Volunteers Part of the Effort. Projects all over the country report using volunteers for many of their activities: lawyers may answer questions on phone banks; legal secretaries may screen questions for panelists on a TV show about the law; law students may teach about law in a hospital; judges and court personnel may volunteer to talk to groups touring a courthouse—the list could go on and on. Without volunteers, improving public education about the law simply wouldn't be possible. But how do you get as many volunteers as possible, and how do you make them feel like an integral part of the whole effort?

Paying Special Attention to Bar Members. Surveying bar members is a great way to identify those who are interested in your program. Prepare a questionnaire and send it to all members of the bar. Use a form that enables the bar members to express their interest in the activities you plan to sponsor, the type and frequency of involvement that they would prefer, and the areas of the law in which they have special expertise. This survey should be a cooperative venture between you and the bar; having the bar president co-sign the letter with you adds an important element of credibility. The survey results should help you establish a pool of available resources and match bar members' interests with the project's needs. Once you have such a pool, set up a system which ensures that interested members have opportunities to participate.

Always seek to expand your resource pool. Solicit recommendations from bar members who are already active. Contact recommended names right away. Try to serve on bar groups reaching out to the public.

Another good source of interested people will be generated by your programs. Pay attention to the people who attend and are really active and interested. Ask them if they'd be willing to help plan the next program.

Encourage newspapers to prepare articles on your project. If the bar association has its own magazine or newsletter, try to include articles about your project in them.

Don't forget that many bars have an important additional resource—bar auxiliaries or lawyers' spouses groups can provide another source of ready volunteers. Members of these groups can give you lots of hard work, dedication, and organization. They can handle correspondence, schedule educational programs, arrange for printing of materials, and handle a myriad of other tasks.

Putting Together an Interdisciplinary Board. One of the best ways to attract volunteers is to create an interdisciplinary committee, commission, board of advisors—call it what you will. The name isn't so important as the function—to supply counsel and/or direction, to provide a way of using your most committed volunteers, to provide a springboard for reaching out to new people.

Who are potential nonbar members of your boards? They could represent law schools, universities, continuing education programs, and law enforcement agencies. They could also be members of civic groups and service clubs, representatives of particular segments of the population (the elderly, minorities, out-of-school youth), court personnel, newspaper/radio/TV reporters and editors, and social service professionals. Anyone who comes in contact with lay people, anyone with an interest in improving the public's legal literacy, is a prime prospect for your group.

Some projects have two boards: a board of directors (or steering committee or program committee) that sets policy and meets regularly through the year; and a board of advisors (or advisory committee or commission) that meets less frequently, perhaps only once a year. The advisory group is often larger than the policy-making group, because it is desirable that it draw people from many fields and academic disciplines. A large board of advisors is not necessarily a disadvantage, because it's supposed to provide a forum for new ideas rather than reach conclusions.

A large advisory group provides a pool of talent for the project. Its members may be tapped selectively by telephone or through individual meetings, and its members may lead you to other volunteers. For example, if you have bar members on your advisory board, they can be your conduit to bar publications that will highlight the program and the need for volunteers. They can also direct requests to large firms who may help out with small amounts of funds, with their prestige in the community, and with new volunteers for the public education effort. Court personnel, police officers, college professors, community education representatives, and anyone else serving on the board could be plugged in to make the most of what their groups can bring to the project.

Or you may wish to do away with the two-board structure and simply have a single board for your project. It will work either way. The idea is to cast your net as widely as possible and to make the most of the people you have on your side.

Representing the Community. Public education projects must respond to the needs and interests of the community. Board members who represent service clubs, business associations, civic and religious groups, and community improvement groups can help the project understand and respond to the concerns of the community. They assure that the project won't simply be seen as narrow public relations on the part of the bar. They will help give you a stamp of legitimacy.

Giving a Project Stature. Projects large and small benefit from strong support from other organizations. The board provides a means of demonstrating such support. Board members may sit as formal representatives of cosponsoring or affiliated organizations, or informally represent them. Again, it doesn't really matter. The important thing is that the group is represented and feels a part of the on-going effort — and takes pride in it.

Setting Priorities. Bob Peck's article, which follows immediately, discusses community surveys in considerable detail, but it's important to remember that assessments of needs can be relatively informal too. In determining what your goals and objectives are, don't forget to talk with the community representatives on your board. Remember that education involves more than schools alone. The people in the community must participate in forming goals and in continuing efforts to refine and adapt them. If the community is represented from the beginning, the rest will follow.

Raising Funds for the Project. Through their contacts with bar associations, business and community groups, and corporations, individual board members can help open doors to a number of possible funding sources. While these sources are unlikely to provide enough funds for all project activities, they can provide seed money for the early days and continuing support throughout. Even more important, however, they provide in-kind services—volunteer expertise and energy—that money just can't buy. They can give you thousands of dollars worth of services that can make all the difference to your program.

If you do turn to them for fundraising help, however, be aware of how many different ways they can be useful. Someone on your board might well have contacts with local corporations or a foundation. They can open doors for you by setting up meetings, by having that all-important first meeting themselves, or by providing letters over their signature to friends and acquaintances who are in a position to secure funds for worthy causes. (When seeking funding, it's a good idea to ask for something specific and limited, rather than going in with a laundry list or seeming to ask for a blank check. In general funding agencies do *not* want to pick up the bill for the basic operating expenses of a project. Nor do they want to fund you year after year after year. However, they may well be interested in picking up a particular aspect of your program that's highly visible [say the printing of some project material or the sponsoring of a community forum], since that seems to promise a clear-cut return for the grantor without committing it to a lot of spending down the road.)

Helping Monitor Programs. Formal evaluations are essential. There has to be some objective way of measuring whether the project is working as intended. But informal evaluations are important, too, and here your board can be crucial. Since a wide spectrum of the community is represented on your board, board members can help you measure interest and effectiveness among members of their groups, and can provide a conduit of opinion that enables you to assess your goals and activities.

"Networking" is an overused word these days. Too many articles and books make it seem like the answer to every problem. Nevertheless, it is a useful way to get something going and keep it going. Each bar member and community representative who gets enthusiastic and involved can lead you to new ideas, new people, new sources of funding, and new possibilities. Try not to overuse your best people—make sure you keep careful records so you know who has been asked to do what—but do encourage them to brainstorm ideas that you can use. And whatever comes out of their involvement—a newsletter for your program, a courthouse tour, a bar/media committee, or a community law fair—be aware that they will be your best resource in making it work well at minimal out-of-pocket cost to the program.

Taking the Pulse of the Community

Robert S. Peck

What does the public want to know about the law? Just because you are personally interested in a subject doesn't mean it will appeal to the public. You don't want to put on a program that no one will attend. What you need is a sense of the community so your program fills an existing need and generates all the interest a legal subject can muster.

When one veteran program director was asked about making a community needs assessment, he said, "You don't have to. You just can't go wrong. The interest is there in anything legal, especially if you take a practical approach and emphasize the topic's direct importance to the community."

That may be true. Practical, consumer-oriented information is always in demand. But perhaps you won't want to trust your decision to pure serendipity. In that case, you can direct your programs at existing organizations—community or civic groups—whose constituencies may have identifiable legal interests. Or, if you want to reach a wider audience, you can rely on a poll.

People were wary of polls long before they mistakenly predicted Thomas Dewey would beat President Harry Truman in the 1948 election. However, poll results, when properly arrived at, can tell you what the community is thinking. They work because people respond to questions in patterns based on their education and experiences. The theory of probability gives us a scientific measure of those patterns.

To use a poll, you don't necessarily have to take your own. You can rely on the results of others. In 1977, the American Bar Foundation conducted a "National Survey of Legal Needs of the Public." It found:

- 50 percent of the population had at least one real property problem (overwhelmingly involving a purchase);
- 50 percent had at least one tort problem (30 percent faced serious property damage);

- 42 percent had an estate or trust problem (27 percent had a will problem);
- 27 percent had a serious consumer problem (a major purchase or landlord-tenant dispute);
- 21 percent had a problem with the government;
- 19 percent had a marital problem (divorce, separation or alimony); and
- four percent had a criminal law problem.

People tended to consult lawyers when there was a question involving a will or marital dispute, but only 39 percent of those with real property problems and 34 percent of those with personal injury problems (the two most common areas) sought a lawyer. A subsequent study of Nebraska residents came up with surprisingly similar results.

What are the implications of these poll results? First, because these problems tend to effect more of the population than any other, programs emphasizing the law governing real property, wills, torts, and marriage will perform a real public service and produce a natural public interest. Second, since a large number of people who faced these legal problems apparently didn't know what to do about them, public education is desperately needed.

Still, your community can be different. For that reason, you may want to take your own poll. That poll can:

- help determine the areas of law the public would like to know more about;
- spot the particular interests of certain groups (i.e., elderly, minorities, union members, professionals);
- identify those likely to participate in your program,
- determine what it would take to win the participation of certain constituencies;
- help you select the type of program that would be most popular; and
- determine if the public is familiar with your existing educational efforts.

To avoid the pitfalls of polling and ending up with results that indicate you ought to be running for president, follow these key principles:

1. Don't have a stake in the results. This can skew interpretation of the poll.
2. Polling is subjective. A question's wording can often affect the result. Be careful not to suggest a preferred answer. *For example*: The Constitution is the supreme law of the land and has an impact on every-

day life. Don't you think every citizen should know more about the Constitution? Would you attend a program on the Constitution?

3. Given three choices on a scale, a respondent will most likely choose the middle or moderate position. Try not to ask the questions this way. *For example*: Should the courts favor the rights of the accused, favor the rights of the victim, or balance the two when trying a criminal case?
4. Remember, merely asking a question produces an opinion, whether or not the respondent had previously considered the subject. Don't assume from the strength of the response that the issue is one of critical importance to the respondent.
5. Don't identify yourself as being from a bar association or other legal organization. That fact can prejudice the respondent into reacting to lawyers or trying to give answers he thinks the bar wants to hear. What you won't get is honest answers.

Keeping these tips in mind, you are ready to construct your questionnaire. Your list should not contain more than 30 questions, or you will quickly lose the respondent's cooperation. The last few questions must fill the need for demographic information about your sample. These questions ask the respondent's age, sex, ethnicity, education, income, occupation, and geographic location (rural, suburban, or city). These questions will reduce the overall number of questions you have left.

The questionnaire should be a script for your telephone interviewers: "Hello, I'm ____________ from National Public Opinion [remember, you cannot get accurate results if you identify yourself as a bar association]. We are studying what the public wants to know about the law and legal system and want your opinion. Would you mind answering some questions for us?" Most people are flattered by the opportunity to express their views and will answer affirmatively.

The first few questions should attempt to establish the respondent's "world view" of the law. These give you the most honest responses because the questions are open-ended and do not suggest an answer: "There are many reasons why people want to know more about the law, but is there an area of law that you in particular wish to know more about?" The next question becomes, "Why do you think it is important to know more about that area of law?"

A question or two about important legal rights and responsibilities might follow. After this, questions less prone to interpretation and more easily tabulated become appropriate. For example:

- If the bar association offered free legal advice by telephone, would you take advantage of it?

- Would you attend a free citizens' conference on the law if it were held in your neighborhood?
- Would you be more likely to attend the program if it were held on a weekday evening or a weekend day?
- Have you ever watched "Ask-a-Lawyer" on TV?
- Have you ever called in a question to the show?
- Have you ever seen the free consumer booklet on the law offered by banks, lawyers, and credit unions?
- If you knew that a town hall meeting was being held on whether to abolish the insanity defense, would you attend?
- If so, would you be likely to express your views at the meeting?

After writing your questionnaire, which should include room for comments by the interviewer that will aid in interpretation, you need to determine your sample. How many people do you need to contact? George Gallup often compares a polling sample to a sampling of soup. To see if you have the right mix of ingredients, you taste a spoonful, whether the soup pot is large or small. Similarly, the sample size doesn't vary with the population in the area polled. Generally, a poll of 250-400 respondents will be big enough to be representative, though greater accuracy is ensured by being at the upper end of that scale.

In addition to being big enough, the sample must also be representative. It should reflect the population mix in the same proportions as it is found in the population as a whole. To accurately reflect small minorities in the population, you may have to enlarge the number polled, only to discount them in the overall totals. For example, if only four percent of your community is over age 65, you will want to poll more than 16 senior citizens out of a 400 total to gauge the legal information needs of the elderly. By taking a sample of 50, you should feel secure with your results. However, when examining the overall results, use the results of the 50 as though they were only 16 so as not to overrepresent the elderly in the community-at-large.

Sophisticated pollsters use computers to select the random telephone numbers that they call. You don't need to do anything that complicated. A computer simply selects every 50th telephone number (or similar interval) to arrive at its random list. You can accomplish the same thing by taking, for example, the fifteenth name in all right hand columns from the telephone book, starting at a randomly selected page. You may want to use a criss-cross directory that lists telephone numbers by streets rather than last names to help you get the right geographical mix. Then, keep calling until you have your sample.

It also isn't necessary to analyze your results with complicated, computer-generated techniques. Simple cross tabulations, accomplished by entering the responses on a chart and supplemented by commentary from a reading of the open-ended responses and interviewer comments, should be sufficient. You will then have the answers to your most burning questions, capable of being broken down by age, education, occupation, and ethnicity. The results can help you steer your public education program in the directions most needed, while indicating both what you are doing right and what you're doing wrong. Taking a poll is not difficult, it just requires a cadre of volunteers at a phone bank during the evening. The results can be put to great use. Remember, all that you *survey* can be yours.

To Reach and Teach the Public, Write Better

Jethro K. Lieberman

Lawyers have a problem, a severe one. What they profess to do well, they often do poorly. Worse yet, that thing undergirds their stock in trade, their very reason for being—giving legal advice clearly and explaining law to a public unschooled in the jargon and cant of the calling. In three words, *lawyers write badly.*

That lawyers often mangle the language is bad enough. But they compound the felony by blaming their style on the dictates of tradition, precision, and professionalism—even though the resulting turgid prose is only an unfortunate habit that can be broken, no matter the pain.

All this means that the public has a severe problem as well. Law ought not be a private matter, inscrutable to any but a professional clique. Yet it is, and has been for some time. Public failure to comprehend the law stems in no small part from lawyers' failure to communicate it well. Public understanding of the law can never become more than a theoretical possibility until individual lawyers take it upon themselves to learn to write.

The proof that my sweeping indictment is valid, and the rebuttal to the defense of "professionalism," rests on two concurrent movements among the profession's leadership:

First is the growing number of law firms and corporations that are paying writing consultants to teach their associates and junior lawyers to write. One firm, Shearman & Sterling in New York, has even hired an English professor full-time to oversee its in-house training programs, with writing as a key component.

Second is what the citadel of the organized profession itself is doing: the American Bar Association is beginning to insist that lawyers somehow be taught the fundamentals of writing while still in law school.

In February 1982, the ABA adopted a new provision to the accreditation standards it applies to law schools. Since most states rely on ABA approval to determine whether an applicant has met the legal education requirement for admission to the state bar, the newly-enacted standard of "at least one rigorous writing experience" takes on considerable significance.

Moreover, the ABA intends to enforce the standard: first through letters to deans informing them of the new standard, then visits by inspectors next fall. The association intends to publicize any innovative programs found during the inspections to encourage replication.

If this is not evidence enough, scholarly documentation provides samples of bad legal writing.

Twenty years ago, in *The Language of the Law*, Professor David Mellinkoff demolished the myth that lawyers are kind to their native tongue by demonstrating at length the imprecisions, the solecisms, the archaicisms, and the prolixities that serve to confuse the average reader, and no doubt a goodly portion of professional ones, too.

A year ago Professor Mellinkoff revisited the subject through the lens of a "how-to" manual that came to the same conclusions: bad writing prevails. He called it *lawsick*: "a peculiar, English-like language commonly used in writing about law; peculiar in habitual indifference to ordinary usage of English words, grammar, and punctuation; and in preferring the archaic, wordy, pompous, and confusing over the clear, brief, and simple." (*Legal Writing, Sense and Nonsense*, xii, 1982). Mellinkoff's criticisms bite. Accessible to all, they need no further repetition here.

Bad writing is not confined to lawyers, of course. Bad writing is endemic to our culture. A major cause of the problem is the failure of high school and college teachers to detect it, condemn it, and reform it. A survey of English teachers in 1981 by two University of Chicago researchers showed that the teachers preferred verbosity to concise and clear writing. Here are two sample passages used in the study:

> I prefer to live in a large city because there I would be free to do things that cannot be done in a small town. In a small town a person has to live the way his neighbors do. He needs to conform to what they think is the proper way to behave, if he acts or thinks in a way that differs from what they expect, he will be considered suspicious. If he expresses ideas that others disagree with, he will often be rejected by them and isolated from the life around him. He will be unable to exchange new ideas about the world and will thus no longer grow intellectually. If he abides by the standards of a small town, he will experience only a limited way of looking at the world.

> My preference is for life in a large city because there I would have the freedom to do things that can't be done in a small town. In a small town a person's life has to be like his neighbor's. There is a need for

> his conformity to their beliefs regarding proper behavior, if his actions or thinking is different from their general expectations, he will be an object of suspicion. His expression of ideas that are in disagreement with those of others will often have the result of his rejection by them and his isolation from the life around him. His inability to exchange new ideas about the world will put an end to his intellectual growth. Abiding by the standards of a small town means limiting his experience in ways of looking at the world (quoted in Fiske, "Teachers Reward Muddy Prose, Study Finds," *New York Times*, Oct. 27, 1981, p. C1).

Both passages contain the same errors. They differ only in style. The teachers consistently favored the second passage, finding it "better organized, more mature and better supported," even though the principal difference between the two is in simplicity and directness. The first passage uses direct verbs; the second converts verbs into nouns and is considerably muddier.

Opacity and verbosity are surely two of the chief sins of legal writing. Both contribute to the indirect style that is the hallmark of supposedly professional prose—sentences that come out of a void, as if no personality created them and stood behind them. Even when the lawyer asserts his presence, it seems to come from behind a mask. What lawyer says: "I think the President's plan is in trouble" when he can say: "There would seem to be substantial evidence that the President's plan is in trouble"? What lawyer writes: "Here is a copy of the memo you requested when we talked this morning" when he can say "Pursuant to our telephone conversation of instant date, enclosed herewith is a copy of the requested memorandum"? You get the point.

If this bad writing has its roots in deficient education, several factors contribute directly to the lack of clarity. These can be overcome with thought and patience.

One factor I call the *headnote disease*. This is the peculiar and pernicious belief that every thought worth having must be compressed into a single sentence, as if commas were cheap and periods dear. Perhaps it comes simply from reading too many headnotes and plowing through too many ponderous statutes. (The Uniform Commercial Code is a good example. What, for example, does the following sentence mean? " 'Buyer in ordinary course of business' means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker." U.C.C. Sec. 1-201(9)). More likely the headnote disease comes from fear that the reader will stop after the first sentence and not go on to the qualifications that torment lawyer and client alike. The disease is bad when confined to headnotes. But is far worse when lawyers infected by it undertake to write for the public. Instead of understanding, mystification results.

Another factor that contributes to the opaque quality of legal writing is the lawyer's penchant for *legalese*, or lawyer-like words. Here is an example from Mellinkoff:

> I, Jane Doe, being of sound and disposing mind and memory, and not acting under duress or the undue influence of any person whatsoever, do hereby make, publish, and declare this to be my last will and testament.

How many of those words must the drafter use to make his meaning plain? Four: "This is my will." If Jane Doe were not of sound mind when she signed the document, her recitation would not aid her heirs' case. Likewise for duress and undue influence. And the sentence is riddled with redundancies that do nothing to clarify: making, publishing, and declaring may once have been different acts, but all are subsumed today in the simple declarative: "This is my will." (Mellinkoff, 1982, pp. 102-103).

Another obfuscating factor is the substitution of nouns for verbs, as this sentence has just done. It might better have read: Lawyers also obfuscate when they substitute nouns for verbs. Perhaps lawyers like what is called *nominalization*, the sound of nouns, fine, solid things that have the appearance of reality, rather than verbs, which radiate movement and energize thought. When nominalization is combined with the passive voice ("the statute was construed by the court"), plus a lingering trace of headnoteitis, needless redundancies, and a perverse tendency to create words that sound like they ought to exist, we end up with the following gem from a New Jersey superior court judge:

> The point here debated is whether or not the evidence circumstantiates the presence of apparent authority, and it is at this very point we come face to face with the general rule of law that the apparency and appearance of authority must be shown to have been created by the manifestations of the alleged principal, and not alone and solely by proof of those of the supposed agent (*Hoddeson v. Koos Bros.*, 47 N.J. Super. 224, 135 A.2d 702 (1957)).

What is to be done? Much.

Law schools must begin to devote real resources to true writing courses. The snobbery of the academy that relegates the writing course to almost non-academic status must be sneered away. That can be done if it also becomes a course in logic and clear thinking, since clear writing cannot be achieved without them. But those courses, when they come, will not help the practitioner, who needs advice now.

No short article can give useful and practical tips, because clear writing also depends on learning when and how to violate what many critics call "rules" but what are better termed "guidelines." Thus, the writer does better to avoid using passive construction when possible, but on many occasions the passive begs to be used. Therefore, hitting the books is the best advice that I can give to the lawyer willing to admit that his writing needs to be improved (or better said: . . . to admit that he needs to improve his writing). And we should all admit it, for we can all stand improvement.

What books? Perhaps the two most practical books available are these:

1. Joseph M. Williams, *Style: Ten Lessons in Clarity and Grace* (Scott Foresman & Co., Glenview, Illinois, 1982).
2. David Mellinkoff, *Legal Writing, Sense and Nonsense* (Charles Scribner's Sons, 1982).

Buy them. Plan to spend a few weekends with them. Do the exercises. You will feel yourself begin to change how you think about writing—and how you do it.

Beyond these books, I can offer only these thoughts. They may sound like platitudes, but each is a truth that has taken me years to learn and appreciate:

1. Never write anything at the last moment if you can possibly avoid it.
2. Allocate to your writing as much time as you spent on research. Yes, research is time-consuming. What makes you think writing is not?
3. Write quickly and, as James Branch Cabell once wrote of marriage, repent at leisure—*i.e.*, edit.
4. Never turn in the first draft of anything. Edit. Then edit again.
5. Put your writing aside for a day or two—longer if you have the time. Then look at it afresh. You will find yourself much more able to edit; the errors and infelicities will become far more apparent.
6. Everyone needs an editor. Show your work to someone else. Ask others to critique it. Don't go to someone who will be polite.
7. Agree to help edit others' writing. It's nice to reciprocate, and editing others helps sharpen your own style.
8. Read. Read, especially, non-professional books. You don't have time? Most of my students confess that they do not read novels or serious non-fiction, claiming that they do not have time: too much professional reading to do, they say. However, that is a foolhardy practice on many counts. Too much professional reading dulls

the senses and erroneously teaches that flabby writing is the only kind of writing. Nothing helps shape a style as much as good reading. Through serious reading you become aware of a world larger than that which appears in the confining and often dreary writing in legal journals. All this, of course, will make you a better lawyer.

9. Carry a notebook. Jot down thoughts as they come. Writing is a complex psychological process; your inspirations won't necessarily come just when you want them.
10. Buy a word processor—it's tax deductible—and learn to write on the keyboard. It is also a great aid in rewriting and editing.

Is all this necessary? I say yes. The written word is the lawyer's—at least most lawyers'—only product. Clearer writing will produce good results with colleagues, clients, judges, opposing counsel—and with the citizens whose liberties rest in the hands of lawyers.

We cannot go on as we have; an already deeply suspicious public needs to understand and appreciate law. Otherwise the public will become confirmed in its belief that what George Bernard Shaw once said— "all professions are a conspiracy against the laity"—applies particularly to lawyers.

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Public Legal Education: The Canadian Approach

Gail S. Dykstra

In Canada, it's PLEI—Public Legal Education and Information. In the United States, it's PUAL—Public Understanding About the Law. That the letters are different really isn't significant. They both describe a mutual commitment to a common goal: legal literacy. By whatever name, phrase, set of initials, or acronym, we are striving to make certain that those who need, want, and will use information on our respective laws and legal systems will have the access they require, when they need it, where they need it and in a form they can use.

Legal literacy is not a catchy phrase that means that every man, woman and child should, or even could, become his or her own lawyer. Far from it. The concept behind legal literacy is a progression of assumptions that have been proven over and over in the Canadian context:

1. An individual needs an understanding of the law and the legal process in order to function effectively on a day-to-day basis and in order to carry out his or her responsibilities toward the legal system.
2. The legal process itself requires an informed and involved citizenry if it is to function democratically, and if it is to continue to ensure a legal system that is responsive to the needs, concerns and priorities of the nation.
3. The people, collectively and individually, do want and will use information on the law and legal proces.

Being legally literate means that by having access to information on the law, both a knowledge of the broad principles as well as the specific rights and responsibilities, people avoid some of the more common legal problems. If a problem does arise, being legally literate will help them recognize the legal components or potential legal solutions that exist, and help in selecting the appropriate type of legal response. Inherent in legal literacy is a strong preventive or "wise-consumer" component.

In addition, there is another and broader meaning to legal literacy. Legal literacy both demands from the legal system a commitment to be responsive to the needs, concerns and priorities of the citizen, and demands from the citizen a commitment to participate in the legal process. Both aspects of legal literacy are important, and both are implicit in the aims and objectives of PLEI.

Legal *illiteracy* is a luxury we simply can't afford. The law affects every aspect of every day of our lives. We are not only responsible to the law; we are also responsible for the law.

PLEI is an umbrella that includes *any* systematic attempt to provide information on the law in *any* form, to *any* audience, for *any* purpose. PLEI does not compete with legal aid, the schools, the legal profession, social services or government agencies. We're in this together. The PLEI umbrella covers anyone and everyone producing or facilitating the flow of information on the law. The diverse programs possible under the PLEI umbrella are designed to augment, to aid and to make more effective all attempts to make legal information accessible.

PLEI is a shared responsibility. It is not solely the responsibility of the legislators and government officials who create statutes and regulations; the courts that produce the decisions; the lawyers who provide counsel; or those who enforce the law. Making sure that the public knows and understands the law is a common responsibility. PLEI means building on each other's strengths, acknowledging a variety of roles and utilizing diverse skills to create a broad range of approaches to achieve our mutual goal.

To be effective, PLEI programs must:

1. provide information on the law and the legal process that is understandable, accurate, and appropriate to the informational needs of the individual;
2. help the individual develop skills to obtain and retrieve legal information, as well as analyze, understand, and use it; and
3. build better attitudes by developing people's confidence in their ability to gain access to, understand, and act effectively on legal information. Further, it must develop a sense of responsibility for the evolution of the legal system and an appreciation of the basic principles of law in a democratic society.

Providing information without, at the same time, assuring the development of the skills necessary to use the information effectively does little to increase legal literacy. If anything, it only tends to increase the level of frustration. Conversely, developing skills without assuring that the information will be available has much the same long-term effect. Any PLEI effort must, at a minimum, recognize that information, skills and attitudes are related components. This doesn't mean that each and every PLEI effort has to include extensive programming to meet all three needs at the same time. Quite frequently, a PLEI effort will concentrate on developing skills, and leave the production and distribution of the information to another PLEI program. What matters in the cumulative effect of all PLEI efforts is that a balance is maintained between the three critical needs. We will succeed in creating a legally literate community only through the cumulative result of many individual efforts.

Diversity Is Key to Effective Programming

Diversity is more than a descriptive phrase used to encompass a variety of PLEI programs. Diversity is, in itself, an integral part of our programming. It affects our perception of our potential market, the techniques we employ, and the skills we possess.

The market for public legal education and information services is not the poor, the young, the old, the handicapped, or even the disadvantaged. What distinguished PLEI from other attempts to bring the law to the people is that we do not see our constituency as blocks defined by economic status, age, education, ethnic background or sex. Our market is individuals—individuals who may have any number of legal information needs.

The student in a high school law class will need generalized information on Canadian law in order to fully exercise the rights and responsibilities of citizenship. That same student may also have been caught shoplifting; come from a family in the painful process of divorce; hold an after-school job for an employer whose concept of fair labor standards is somewhat to the right of Simon Legree; drive a car; sign contracts for merchandise that is never delivered; be abused by a parent; want to seek medical attention for a problem he or she does not want a parent to know about; and play alto sax in a rock band performing for dances and parties every weekend.

PLEI looks at the student and sees all of these problems, all of those needs for information on the law—not just the shoplifting charge or the employment standards. Legal aid will help with the shoplifting; the Department of Labor will intervene when Simon Legree refuses to provide vacation pay; the school will provide instruction on court structure, the Constitution, and contracts; the Department of Motor Vehicles will issue a driver's licence. Bits and pieces of those legal problems will be dealt with by government and social and educational agencies, but only if that imaginary student knows that these are legal problems with remedies available from willing and approachable organizations.

To meet the information needs of this imaginary student, PLEI programs may employ media campaigns, produce written material, provide classroom speakers, design curricula, provide instruction for teachers on substantive law as well as teaching methods for effective legal education, produce audio-visual materials, or even fund theatrical productions designed to heighten awareness of the law.

These very diverse programs may be focused on one aspect of the need for legal information or, more likely, range over the total need for information: pointing out what is a legal problem, what types of ramifications and solutions are possible, where to go to get help, and what kind of information one needs to supply in order to get the necessary help as effectively and efficiently as possible.

Obviously, no one person, no one profession, possesses all of the skills necessary to dream up and execute the programs and implement the techniques. PLEI encompasses a diversity of professions: lawyers, educators, librarians, graphic artists, journalists, filmmakers, paralegals, social workers, psychologists, translators and editors. While they may individually have good ideas or specific knowledge, alone they cannot fully accomplish the task. It takes all of them, all of their separate skills working in concert, to achieve our goal.

Just as a diversity of skills are required in PLEI, so are a diversity of organizations. By combining the resources, mandates, special concerns, targeted audiences and funding of both the public and private sectors, PLEI is enriched in its ability to reflect and respond to the needs of a broad spectrum of the community. The very real burden of financing and operating PLEI programs is spread among the participants, rather than falling heavily on the budget of any one sector, be it public or private.

In a country the size of Canada, it would be foolish (and inordinately expensive and unproductive) not to combine forces to produce the best PLEI programming we can. To single out any one level of government, private industry, profession or interest group and lay upon it the burden of providing increased and improved access to information on the law is to abrogate our shared responsibility. Everyone must play a role, and everyone does:

- Governments—at all levels, in all jurisdictions, providing an incredible variety of materials, instruction, information, and services, as well as support for the PLEI efforts of the non-profit sector.
- Police and the Criminal Justice System—including such organizations as the John Howard and Elizabeth Fry Societies, as well as the municipal, provincial and federal law enforcement agencies.
- Media—every newspaper, every radio and television station, the national periodicals—all carry information on the law into the homes and the consciousness of Canadians.
- Education—Law is taught in every province at the secondary school, adult education, university and professional education levels. In-

fusing law-related education components into all levels of schooling is under way. Training teachers and providing adequate curriculum support materials is a major concern.

- Publishing—the number, subject matter and reading level of the books currently available through trade, text and PLEI publishing is a response to the public's increasing awareness of the need for information on the law and a heightened awareness of its importance in very personal terms.
- Legal Profession—Judges, lawyers, bar associations—all volunteer their time, energy, expertise and support for PLEI efforts in courtrooms, classrooms, libraries, community centers, and prisons, as members of PLEI organizations and on endless committees.
- Libraries—Improved collections of legal materials designed for the use of the non-lawyer in public and school libraries, combined with specialized training to sensitize librarians as to the proper use of the materials, has increased the public's access to the information being published in Canada.
- Legal Aid—The preventative aspects of PLEI and its potential benefits to the cost and efficiency of legal aid programs have not been overlooked. Some provinces provide both legal services and PLEI through their clinic systems (Quebec and British Columbia are the prime examples); some have provided core funding to a dedicated PLEI organization, as in Ontario.

The list of professions and institutions could go on and on. The point is not to spend the next few pages listing every special interest group, governmental agency, professional association or charitable organization that contributes to public legal education and information activities in Canada. The point is they exist and each one brings to PLEI its particular mandate, its skills, its geographic or jurisdictional responsibility and, last but never least, its financial resources.

There is one type of organization that Canada has come to rely on greatly for ideas, imagination, innovation and leadership in its PLEI efforts—PLEI organizations. These organizations have, as their sole mandate, PLEI activities for their jurisdictions. While they work cooperatively and extensively with all of the other components of the PLEI network, they can concentrate their energy, enthusiasm and expertise solely on the full range of necessary educational activities. Further, by concentrating on the development of PLEI programming, these dedicated organizations have added to the bank of knowledge about PLEI theory and practice, allowing other organizations, government agencies and special interest groups to draw from this fund and increase the effectiveness of their own efforts.

The need to provide a central distribution point for information on the law, as well as PLEI programming, has led to the creation of Legal Resource Centres in Canada. These centres allow those who want information on the law to contact one source and be apprised of the full range of programs, publications and services that are currently available within the province. By providing "one-stop shopping' within the province for all PLEI activities, the effective dissemination of many organizations is heightened, an efficient distribution network is ensured, and a body of material resources is provided for those designing or implementing new PLEI programs.

The collective PLEI organizations, government agencies, special interest groups and professional organizations are referred to as "the PLEI network." That network would defy those who like to draw neat, one-dimensional diagrams or organizational charts. While the network might be untidy as a flow chart or schematic diagram, it does work.

CLIC Clicks in PLEI Efforts

Central to the PLEI information network is the role of the Canadian Law Information Council's Legal Information Secretariat.

The Canadian Law Information Council (CLIC) is a non-profit, charitable organization consisting of representatives of the Attorneys General, the Law Societies (legal services organizations), and interest groups such as the Canadian Bar Association, the Canadian Association of Law Teachers, Canadian Association of Law Libraries, Committee of Canadian Law Deans, Queen's Printers Association, the Uniform Law Conference of Canada, and Canadian law book publishers.

CLIC was established in 1973 and began operation in 1975 with two broad objectives: to promote law-related education in Canada and to enhance the quality and increase the availability of information pertaining to the law in Canada.

Since its founding, CLIC has endorsed the concept of legal literacy and contributed significantly to the growth and effectiveness of public legal education and information activities. It is an impartial organization that coordinates informational activities and includes representatives from all segments of the legal community.

Rather than duplicate the types of projects created by provincially based legal education and information activities, CLIC consulted interested groups to find out what CLIC could add to PLEI in Canada. The recommendation was unanimous. PLEI needed a central clearinghouse that could gather and give out information on current PLEI activities in Canada. CLIC's response was to create the Legal Information Secretariat.

Whether it is programs, publications, research or personnel training, CLIC's Legal Information Secretariat gathers, generates, and disseminates information on what is being done now, what will be done in the future, and what could be done to assure access to legal information for all Canadians. The Secretariat has been instrumental in establishing and encouraging the ever-expanding network of PLEI participants and providing the necessary communication links.

Regular communication vehicles such as the Legal Materials Letter, PLEI Network News, and the PLEI Telephone/Address Book offer a broad spectrum of interested parties a chance to find out what's happening elsewhere in the field as well as a way of telling others what they are doing. These materials were developed to increase the awareness and use of PLEI information on the law, foster cooperative national-provincial PLEI efforts, and strengthen and expand the existing PLEI network.

CLIC is currently engaged in a major study to identify, organize and disseminate information on PLEI and PLEI-related research. Once this information is available, the identification of research gaps in PLEI will be made easier, communication lines can be strengthened, and the results of such research efforts will be spread throughout the community of interests that is PLEI. Further, CLIC will continue to highlight areas of PLEI that need further study and will encourage research initiatives in PLEI.

Further, CLIC has developed original PLEI materials such as: *Before the First Day: Teaching Law for the First Time*—an information kit for LRE teachers that will be jointly distributed by CLIC and provincial Education or Justice Ministries and Attorneys General to secondary schools in Canada; *Living Law*—a teacher's guide and workbook for use in junior high schools; *Just-in-Time*—a newspaper heightening high school students' awareness of law. The newspaper was developed at CLIC and is now being commercially distributed by IPI Publishing.

CLIC has also fostered opportunities for PLEI practitioners to meet and exchange ideas, concerns, plans and problems. The regular meetings of the CLIC PLEI Committee have themselves been instrumental in furthering communication and cooperation. Interested assistance has been offered by CLIC to provincial PLEI committees, and several provinces have responded. Cosponsorship with the Department of Justice and the government of Saskatchewan of the 1980 National Conference on Legal Education for Youth, along with the background and conference proceedings, offered an opportunity for an exchange of ideas as well as much needed data on these rapidly growing curricula. CLIC continues to encourage the frequent and valuable exchange of ideas by co-sponsoring symposia on PLEI and publishing the resulting discussion papers.

CLIC's work in PLEI is based on the principles of cooperation, flexibility, aggressive network-building and information-sharing in its service to all those interested and involved in providing the Canadian community with improved and increased access to information on the law.

Programs Cover Wide Range

Describing the individual PLEI programming efforts of this complex network of organizations and institutions is an enormous task under any circumstances. Picking a representative sample is impossible. Describing the legal soap opera in Quebec that attracts an enormous share of the television audience on Sunday nights means leaving out the televised phone-in program on the law for the deaf in Saskatchewan. Describing *Justice*, an excellent publication on law written for the general public, means leaving out the picture books developed as part of a legal awareness and attitudinal experiment for native children on rural reserves.

Because programming in PLEI is predicated on individual provincial priorities and resources, even describing the activities within a single province would not provide a truly representative sample of the range of PLEI services available in Canada. Some provinces are able to provide a level of service that simply cannot be matched by others.

However, some generalizations are possible to indicate the minimum level of PLEI services available across Canada. All provinces provide legal aid to those with low incomes. Augmenting this direct service, information on common legal problems and frequently used legal procedures is available in publications through, or in conjunction with, legal aid. For target groups with specific concerns about the legal system, such as the elderly, the young, the handicapped, and Canada's native peoples, specific materials and programs have been designed to acquaint them with common legal problems and an explanation of the applicable law and procedure. Widely available are materials and programming on frequently encountered legal problems—marriage breakdown, traffic offenses, income tax, employment, and criminal law, as well as small claims court procedure.

Also available are summary legal information services that use television, radio, the daily and periodical press, telephones and videotext. Consolidation and coordination of legal information networks remain an ongoing concern.

Law is taught in secondary schools across Canada, and curricula, supporting materials, and teacher preparation are a continuing priority in all PLEI efforts. Infusing law-related education into elementary and junior high schools is at a developmental stage. However, considerable attention has been paid to both informational and instructional programming aimed at young persons as an effective way in which to create a base for growing legal literacy.

The number of PLEI programs aimed at intermediaries such as teachers, social and community service workers, librarians, and health care professionals is increasing because it is cost-effective to train those to whom the community turns for such information.

Governments, at all levels, are actively engaged in providing information services and materials to explain new legislation or governmental services and benefits.

Support for PLEI organizations comes from a variety of funders. They include governments through the various ministries, not just the Attorney General, Law Foundations, and Legal Aid. Every summer the Canadian Department of Justice sponsors a major PLEI program that allows groups across the country to undertake research and program development by hiring summer employees from universities and technical/vocational institutions.

The programs run in Canada are, in many respects, similar to those provided in the United States. We are providing all the information we can, to as many segments of the population we can reach, using every method we can devise and every ounce of enthusiasm, initiative, and expertise we can muster. We spend our time creating new programs, implementing old ones, and trying to sustain the funding for the ideas we'll have tomorrow.

However, we are a different country with a different culture, legal system, population mix and two official languages. Our PLEI programming reflects our perceived priorities and problems. In our attempt to reach both the end user and the intermediary, through a diversity of formats and a diversity of delivery structures, we are using every resource we can find.

Tips Learned from Experience

What have we learned after years of efforts as a complex network of committed individuals and institutions? The obvious, of course.

All money comes with strings. The strings will affect what you do, how you do it, for whom, when, by whom, and with what money. Being aware of the potential ramifications of the strings before, not after, you accept the money will save you endless frustration.

A target audience is a necessity. It is amazing how frequently PLEI programming efforts, no matter how creative, fail to achieve their purpose simply because the target audience wasn't there. Know who they are, where they are, their age, income, problems, language preference, educational level, receptivity to a variety of formats, access to information, skills in using information, and group dynamics.

Goals and objectives should not be written in stone and never altered. Neither should organizational or programming goals and objectives be drafted for a set of by-laws filed in a cabinet and forgotten. If it was worth drafting goals and objectives, it's worth reviewing them periodically.

Don't assume that something is necessarily better than nothing. The time and energy put into creating a pamphlet on small claims courts, dull and boring to look at, much less to read, is probably not going to add much to the level of legal literacy in your community. It would be better to take more time to produce something that will really be used, rather than rush to create something that no one will ever use.

There is a difference between informing and instructing. Figure out which one your target audience needs.

Don't reinvent the wheel. There is so much that needs to be done in the field that to duplicate the activities already available is a squandering of the limited personnel, financial resources and time available. Your product should make a significant difference in the quality of information.

People will be your greatest resource. A number of Canadian PLEI efforts began because one person had a burning desire to help, to change the system, to make the law and legal process responsive to the needs of the people. We have accomplished a considerable amount of effective PLEI programming on the strength of terrific people without money.

Marketing is not a dirty work. Your program, publication, or service is in competition with everything else. If you want it used, make sure the people who need it know where it is, why they should use it, and how to get it.

Also cooperate and communicate with others in the field. They might borrow from you, but you can also borrow from them.

Obviously, these few homilies are far from the complete set of truths in PLEI programming. They are, however, accurate reflections of the experiences of PLEI practitioners all over the country.

There are no magic answers. Crystal balls are not standard issue in PLEI. There is never just one "right' way to do anything in PLEI.

Creating a legally literate citizenry is going to be a long slow process. It will use all of the imagination, creativity and enthusiasm that we, on both sides of our mutual border, can muster. That is what is precisely so exciting about PLEI—it is a commitment to creativity, imagination, enthusiasm, vision, dedication and hard work in achieving a goal that will be a tangible benefit to the citizens of both countries.

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Public Understanding About the Law: How the ABA Can Help

Law touches everyone's life. In the home, the school, the marketplace and the office, the law regulates life and protects us from those who would infringe our rights. From the products we use to the water we drink and the air we breathe, the law is always with us. Yet many people fear the law and are confused about it.

Those who know the law best—lawyers, judges, and law professors—have an obligation to demysify the law and legal processes. Public education can help by showing what the law *can* do, and what it *can't* do. The public can learn in a clear and practical way how law influences—and is influenced by—the average citizen. By understanding the law, the public can prevent legal problems before they occur and find alternative ways of resolving disputes.

In 1979, the American Bar Asssociation created the Commission on Public Understanding About the Law (PUAL) to address the need for public education. PUAL helps adults appreciate the role of law in our society, understand their rights and responsibilities, and function more effectively as citizens.

PUAL serves as a catalyst, helping lawyers, judges, educators, and civic leaders create programs that meet the needs of their communities. It's a resource that can help you plan public education programs and learn how others have approached similar programs or overcome common problems.

To accomplish its goals, PUAL is a national clearinghouse of information on all kinds of public education programs about the law. We collect information about existing programs so that we can tell you what else is going on in your community, or tell you about programs elsewhere you might be able to learn from. The articles that follow in this handbook are a sampling of programs identified by PUAL. A letter or telephone call is all it takes to get information about the full range of programs. At the same time, you can tell us about what you are doing and become part of our clearinghouse.

PUAL works with both legal and nonlegal groups throughout the country, including state and local bar associations, community education organizations, civic groups, libraries, universities, and museums. We encourage you to join this network by contacting us.

We keep our network of public education programs informed about what is going on in the field through *Passport to Legal Understanding*, our free twice-yearly newsletter. It highlights new developments, ideas, programs, and resources in public education about the law.

PUAL also invites your participation in our programs. One special opportunity is almost upon us. The United States will celebrate two anniversaries of historic significance, the bicentennials of the Constitution (in 1987) and the Bill of Rights (in 1991). The Constitution embodies the principles and values of the democratic experience. The occasion of its bicentennial provides unprecedented opportunities to improve the constitutional literacy of our nation's citizens and to establish public understanding about the Constitution as a national priority for the coming decade.

To take advantage of this opportunity, PUAL, on behalf of the ABA, is planning an ambitious multi-faceted educational effort to underscore the Constitution's role in everyday American life and to highlight the social, moral, and human values that are often at the heart of legal controversies.

If the current plans bear fruit, the project will be centered around an eight-part television series featuring constitutional issues of widespread interest. Complementing the television program will be a newspaper series, scholarly seminars, printed materials, school programs, and locally based activities designed to reinforce and expand upon the on-air content. A growing list of cooperating organizations will be part of this effort.

The local activity segment of the project is an opportunity for your program to participate. Using advance information supplied by PUAL about the other activities and using materials printed for the project, state and local bar associations and community groups can sponsor conferences and town hall meetings tied into the television programs. Working together, we can realize the goal of constitutional literacy for our nation.

For more information, contact PUAL at the American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637; 312/947-3960.

For information about education programs for elementary and secondary school students, many of which are relevant for adult education, contact the Special Committee on Youth Education for Citizenship (YEFC) at the same address and phone number. Both PUAL and YEFC are part of the ABA's Public Education Division.

MODEL PROGRAMS

In this section, we have collected descriptions of more than 30 programs from around the country that exemplify good public education about the law. We've made a real effort to touch as many bases as possible. A number of the good programs have emanated from state and local bar associations; others describe the efforts of judges, legal services people, law school people, and college faculty.

Of course, we haven't been able to touch every base. No doubt there are many worthwhile approaches that haven't been described here; no doubt many good programs in the categories we do cover have not been described. Time constraints, plus the inevitable space limitations, prevented us from describing every good program, but in future publications we will try to call attention to other worthwhile efforts. If your group is doing interesting, innovative public education about the law, be sure to write or call us, and we will see that the information is included in our clearinghouse and disseminated as widely as possible.

Bar Association Favorites

This section includes descriptions of a wide variety of ways that bar associations have reached out to the public. It covers pamphlets, consumer guides, citizens conferences, townhall meetings, travel and slide shows, and legal hotlines, as well as such traditional outreach efforts as speakers' bureaus and Law Day/Law Week.

A number of other bar programs are listed in this book. See, for example, Michael Wedner's article on organizing courthouse tours in the next section, every article in the section on media-related efforts, and E. A. Richter's article on The Missouri Bar's college extension program.

PAMPHLETS PLUS INGENUITY PROMOTE PUBLIC UNDERSTANDING

Paulette Eaneman-Taylor

Suppose your bar association just published four new pamphlets on arrest rights, child custody, wills and immigration law. It took months of hard work to get agreement among your lawyer-experts, professional writers and editors, and the members of your consumer focus group. But the final product is worthy of your best efforts: The law is stated accurately; the pamphlets are written in plain English with interesting, everyday examples; and they answer the questions consumers most frequently ask about these areas of the law.

Time to rest on your laurels? Not a chance. Now it's time to market your pamphlets into a full-scale public education program, giving citizens in your city or state a better understanding of their rights and responsibilities under the law, and giving lawyers coveted media exposure for something good and important they are doing.

During 1982, the State Bar of California sold 1.5 million consumer rights pamphlets to lawyers, courts, banks, businesses and community agencies. In addition, it distributed another half-million free copies of the pamphlets. About 150,000 free pamphlets were sent in bulk to a myriad of social service agencies, legal services programs and to local, minority and specialty bar associations for use with their Law Day programs. The remaining 350,000 free pamphlets were stuffed one-by-one into self-addressed, stamped envelopes sent by individual consumers to the bar.

Sound like a program too ambitious and expensive for your bar association's pocketbook? Ambitious it is, but it need not be expensive. Pamphlets can be sold on a break-even basis. For example, the State Bar *absorbs* only development costs—research, writing and editing. The State Bar *advances* the costs of typesetting, printing, promoting and distributing the first 100,000 copies of a new pamphlet. The pamphlets are priced to bring in enough money to pay the costs of typesetting, printing, promoting and distributing the second 100,000 copies. And the prices—$17.50 per 100 or $130 per 1,000 copies—include one cent per pamphlet toward the cost of the free copies distributed to various legal services groups and to individual consumers.

How does the word about the pamphlets get out? The bar's pamphlet promotions program works year-round to let citizens know the pamphlets are available. For a pamphlet marketing plan to succeed, someone has got to be responsible for getting the job done. That person has got to be both creative and organized. And there's got to be an ongoing promotional program, or your bar association will end up with a bad case of the BBB's—unused boxes buried in your basement.

Here are a few of the pamphlet marketing methods that continue to work for the state bar:

New Pamphlet Press Releases—As each new pamphlet is published, the Office of Bar Communications & Public Affairs prepares a press release, accompanied by a copy of the pamphlet, that is distributed to city editors, view and scene editors, and legal and consumer affairs writers on the state's daily newspapers, as well as to news editors, public affairs directors, and consumer affairs reporters on major radio and television stations. These press releases emphasize the availability of free pamphlets, but also explain how to buy pamphlets in bulk at cost.

That the press release is an especially effective vehicle for advertising free pamphlets is apparent. Within two weeks after a press release on *What Should I Know About Divorce?* was sent out, in rolled 3,049 requests. In addition, the bar's clipping service indicated that at least 50 newspapers had run all or part of the release. This extremely high pick-up rate indicates that the news media perceive the pamphlets as containing important consumer rights information.

Public Service Announcements—Every six weeks, public service announcements offering free copies of a bar pamphlet are distributed to radio stations across the state. Recorded PSA's—now distributed to 75 major radio stations—are 30-second dialogs written to provide humor as well as legal information and then recorded by professional "voices." Read PSA's—mailed to 50 smaller stations that accept only written copy to be read by their own announcers—are distributed as 10-, 20- and 30-second monologs. Every PSA carries the state bar's non-profit corporation number. Personal conversations with radio public service directors when the program began introduced them to the bar and its public education program.

While the Federal Communications Commission does require radio stations to donate a certain percentage of their air time to public service broadcasts, it does not require the stations to keep records of which PSA's are aired or when. As a result, it is difficult to determine exactly how much play the bar's PSAs receive. However, there are some good indicators that this method of pamphlet promotion is effective.

Although not required, major stations in the San Francisco bay area and the Los Angeles basin do keep track not only of the dates and time when a certain PSA was broadcast but also the value of the air time contributed. Stations such as KCBS in San Francisco and KRWB in Los Angeles each notified the bar that they contributed an average of $5,000 in free air time during 1982. Multiplying this figure by the 50 to 75 stations we know are running the PSA's on a regular basis, it safely can be assumed that the bar and California lawyers are receiving a minimum of $250,000 to $375,000 in free air time annually. (This figure does not include the value of air time donated by the 30 to 50 smaller radio stations that also air bar PSA's.)

Repeat Pamphlet Law Quizzes—Pamphlets that were introduced to the news media last year by press release are being re-publicized this year with law quizzes. These 15-question, true-false quizzes test consumers' knowledge in the area of law covered by the pamphlet that just has been revised and reprinted. At the bottom, the quiz gives the correct answers, along with information on how to order a free pamphlet for further information on the same subject.

A pilot test of this marketing method indicates the quizzes most frequently are used by small daily papers, and by weeklies and shoppers as well. Newspapers said they would use the quiz on a "space available" basis and that they like the idea of being able to run five, ten or the full fifteen questions, depending on the space to be filled.

Tel-Law Taglines—Beginning in mid-1980, the Tel-Law telephone legal information system began to assist us in pamphlet promotion. In return for permission to record bar pamphlets as tapes, Tel-Law has added a tagline at the end of each tape telling callers how to order free pamphlets. Each pamphlet has been recorded as three separate three-minute tapes. Tel-Law submits any requests to edit pamphlet text to the bar for approval before recording, and the bar provides Tel-Law with revised copy as pamphlets are updated to reflect changes in the law. Tapes based on bar pamphlets now make up 30 of the 90 tapes in the Tel-Law library.

Today, 12 California local bar associations use the Tel-Law legal informations system, and together they provide nearly 1,000,000 callers annually with information about their legal rights. While it is virtually impossible to track the success of this form of promotion, the bar continues to receive pamphlet requests that mention the Tel-Law tapes as an information source.

Pamphlet Media Outreach—Through the hard work of the media and community relations department, every six weeks a bar pamphlet is intensively publicized in selected areas of the state. This media outreach program involves individual lawyers in target cities giving interviews to newspapers, radio and television on the legal subject covered in the pamphlet and on the availability of the pamphlet itself.

Four major media markets—Los Angeles, the San Francisco Bay area, San Diego and Sacramento—are "planted" every six weeks. Smaller markets are worked on a rotating basis every 12 to 18 weeks. When the markets for a particular pamphlet are chosen, staff—working through state and local bar sections and committees—locates and screens lawyers who are expert in the area of law covered by the pamphlet and willing to be interviewed. Then we call newspapers, radio and television stations until an interview in each medium in each city is arranged.

When the planting work is completed, as many as 24 California lawyers will be interviewed up and down the state in the six-week period on a pamphlet topic such as probate, landlord-tenant or bankruptcy law. The pay-off on this ongoing promotional effort is three-fold. First, California lawyers gradually are becoming aware of and involved in the bar's public education efforts. Second, the bar continues to increase its news media contacts. Third, when an interview appears in print or on the air, envelopes requesting free pamphlets begin to arrive from that part of the state.

Cooperative Law Day Programs—In 1980, for the first time, the state bar and 21 of California's local, minority and specialty bar associations worked together on a Law Day program. Our Office of Bar Communications & Public Affairs designed two lawyer-in-the-community programs for local bars to do. "Free Consultation Day" programs put lawyers in shopping malls giving free, 10-minute legal checkups to consumers and acquainting them with the legal resources available in their communities. "Town Hall" programs took teams of lawyers to recreation centers and senior citizens' homes to talk about renters' rights, family law, social security and probate—whatever topics were of particular interest to the audience. While local bars provided the people power, the state bar provided organization and publicity kits *and free pamphlets to be handed out during these Law Day activities.*

This pamphlet distribution effort proved successful for two reasons. One, donation of more than 20,000 free pamphlets was a highly visible—and if thank-you letters are an indication, much appreciated—showing of state bar support for local bar programs. Two, the donated pamphlets reached consumers who were interested enough in their legal rights to attend one of the many Law Day programs.

Color Pamphlet Poster—Working with a professional illustrator and graphic designer, the bar has produced a four-color poster that advertises the availability of free pamphlets. "Into every life a little legal rain must fall," says the whimsical poster that depicts cartoon characters in common legal situations. "Before it pours, learn about your legal rights," the poster advises as a "public service of California lawyers."

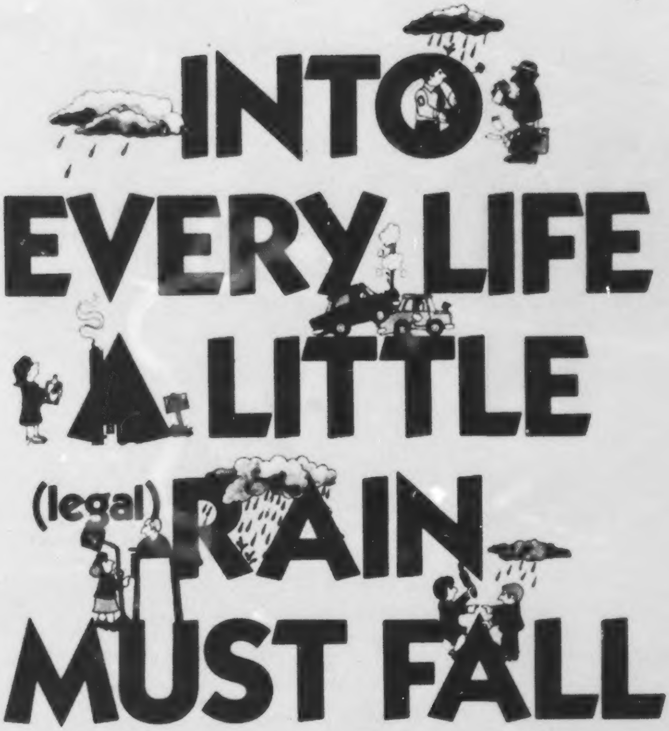
Currently, the poster is hanging on the public service bulletin boards of hundreds of public libraries across the state, and plans are underway to distribute it to courts, social security offices, grocery stores, banks, major corporations, etc. And a mini-version is on the drawing board, being designed as a stuffer for utility bills and for other direct mail targets.

Legal Services Giveaways—Since most of California's legal services and legal aid offices and *pro bono* programs cannot afford to buy pamphlets in the quantities they need to distribute to low-income clients, each spring the bar does a bulk mailing of free pamphlets to these groups. Once the directors decide which titles they will have the most use for, quantities are supplied according to the number of clients each program serves annually.

This annual giveaway program is an especially effective means of getting information about their legal rights and responsibilities to thousands of poor Californians.

While you're promoting free distribution of your pamphlets, don't forget to market them to the lawyers, courts, community agencies and businesses that will buy them. Some sales techniques that have worked for the state bar include: press releases to the state's legal newspapers; regular advertisements in state and local bar publications; advertisements in trade publications aimed at professionals (bankers, insurance sales people, marriage counselors, union officials) who seem likely to buy pamphlets in bulk for distribution to clients or members; direct mail to banks, savings & loan associations and trust companies; direct mail to courts; flyers to Lawyer Referral Service operators; and stuffers in course materials handed out at continuing education seminars for lawyers, with sample pamphlets keyed to the kind of course being given.

We live in an audio-visual age, yet frequently law is too complex to summarize in a 30-second outtake. By starting with the written word, you can use radio and television for promotion and lead consumers who want



Before it pours, learn about your legal rights.

Order a free State Bar pamphlet on:

auto accidents • bankruptcy • contracts • divorce • estate planning
home-buying • landlord-tenant • small claims court
wills • finding & hiring a lawyer

Send a self-addressed, business-size envelope
with one stamp for each pamphlet you want to:

State Bar Pamphlets
555 Franklin Street
San Francisco, CA 94102

A public service of California's lawyers more detailed legal information back to your pamphlets for a greater understanding of the law and the role of lawyers.

Paulette Eaneman-Taylor is Director of Bar Communications & Public Affairs for the State Bar of California. For more information about California's pamphlet distribution program, contact her at the state bar, 555 Franklin Street, San Francisco, California 94102; 415/561-8200.

GETTING YOUR PAMPHLETS OUT OF STORAGE AND INTO THE PUBLIC'S HANDS

Richard G. Johnstone, Jr.

The Virginia State Bar has, for the last several years, produced a series of 12 public service pamphlets covering basic legal issues such as divorce, marriage, home buying and wills. These pamphlets explain the Virginia law, and single copies of these pamphlets are provided free of charge to individuals. Multiple copies are available free to interested non-profit organizations.

While occasional news releases on the various pamphlets, word of mouth, and distribution of the pamphlets through "Ask A Lawyer' booths have produced considerable interest in, and a number of requests for, the pamphlets, we still wanted to make the availability of the pamphlets known to more Virginians. Lack of funds to advertise the pamphlets made this goal difficult to achieve.

Late in 1981, our Public Information Committee, borrowing in part from an idea developed several years earlier by the State Bar of Texas, decided that the ideal outlet to make its pamphlets known was the grocery store, since everyone obviously has to shop for food.

We decided that space requirements and cost made it impracticable to distribute all 12 pamphlets through supermarkets. Therefore, it was decided that a "pamphlet on pamphlets" should be developed, and this pamphlet would be distributed through grocery stores.

After securing a commitment for initial distribution of the pamphlet from a civic-minded Richmond grocery chain, the VSB Public Information Department developed the "pamphlet on pamphlets," titled "Legal Aids for the Wise Consumer." It contains information on the 12 law-oriented pamphlets offered by the VSB. One panel of the three-panel pamphlet contains a cut-out postcard that consumers can return to the VSB indicating which of the pamphlets they wish to receive.

The "Legal Aids for the Wise Consumer" pamphlet also contains information on other public services offered by the VSB (Lawyer Referral Service, "Ask A Lawyer" booth, Tel-Law, Clients' Security Fund, Speakers' Bureau), as well as a list of state and federal agencies that can assist individuals with various law-related problems. From March to June 1982, more than 5,000 copies of the pamphlet were distributed through the 12 stores of the Richmond grocery chain, and roughly 500 Richmonders, or 10½ percent of those receiving a pamphlet, have sent in the postcard requesting additional pamphlets. The "Legal Aids" pamphlet is displayed in a rack at the front of each store through which it is offered.

The VSB plans to make the pamphlet available throughout Virginia, a region at a time. Northern Virginia was the second target area. Safeway Stores, Inc., the state's largest grocery chain, readily agreed to distribute the pamphlet throughout the rest of the state. From late July to November 1982, more than 13,000 pamphlets were distributed through Safeway's 36 northern Virginia stores. More than 1,000 persons from this area had by late November sent in the postcard requesting additional pamphlets.

In early 1983, the VSB began distributing the "Legal Aids' pamphlet through Safeway Stores in the Tidewater (eastern) region of Virginia.

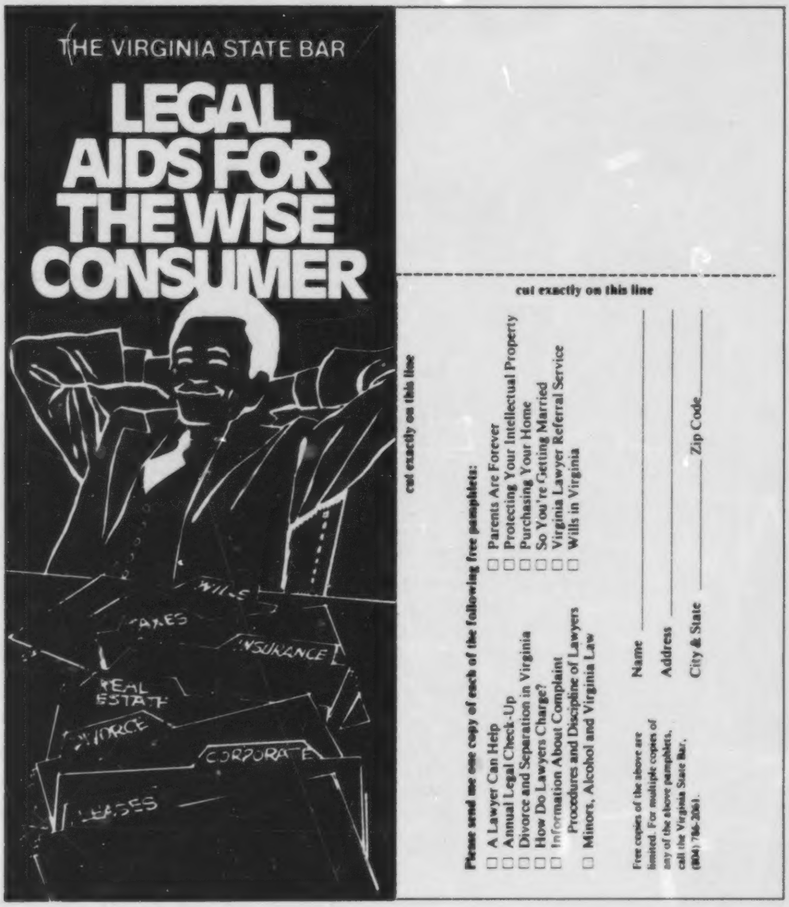
A news release was sent to all newspapers and radio and television stations in Richmond and northern Virginia when the pamphlets were first distributed in those areas. Follow-up telephone calls were placed to editors and reporters requesting their assistance in making known the availability of the "Legal Aids" pamphlet.

Both Richmond daily newspapers publicized the pamphlet through feature stories, and several of the largest Richmond radio stations aired public service announcements about it. The novelty of offering legal information through food stores, as much as anything else, seemed to attract their attention, as did the fact that the bar was attempting to educate citizens about basic areas of the law.

Several northern Virginia newspapers and radio stations, plus a Washington D.C. television station, publicized the pamphlet's availability in that region. The media coverage provided positive publicity for the bar as well as the cooperating grocery stores.

Even if media coverage had been absent, the project would still have been a success, for the "Legal Aids" pamphlets were displayed prominently in all the grocery stores.

The VSB also provided copies of the pamphlet to several military bases in the state, and has received several dozen requests from servicemen for its other pamphlets.



THE VIRGINIA STATE BAR

LEGAL AIDS FOR THE WISE CONSUMER

WILLS
TAXES
INSURANCE
REAL ESTATE
DIVORCE
CORPORATE
LEASES

cut exactly on this line

cut exactly on this line

Please send me one copy of each of the following free pamphlets:

- ☐ A Lawyer Can Help
- ☐ Annual Legal Check-Up
- ☐ Divorce and Separation in Virginia
- ☐ How Do Lawyers Charge?
- ☐ Information About Complaint Procedures and Discipline of Lawyers
- ☐ Minors, Alcohol and Virginia Law
- ☐ Parents Are Forever
- ☐ Protecting Your Intellectual Property
- ☐ Purchasing Your Home
- ☐ So You're Getting Married
- ☐ Virginia Lawyer Referral Service
- ☐ Wills in Virginia

Free copies of the above are limited. For multiple copies of any of the above pamphlets, call the Virginia State Bar, (804) 786-2061.

Name ________________

Address ________________

City & State __________ Zip Code ______

Total cost for the project (printing, artwork, and postage) was just over $2,000, as cost effective a public relations project as could be imagined. The grocery chains have distributed the pamphlets to their stores at no cost to the VSB. While we neither sought a monetary contribution from the distributing chains to finance the pamphlet nor provided space on the cover to acknowledge their assistance, these are options that could help finance the project and win cooperation.

Richard G. Johnstone, Jr. is the Public Information Director of the Virginia State Bar. For more information on Virginia's pamphlet distribution system, contact him at the state bar, Suite 1622, 700 East Main Street, Richmond, Virginia 23219; 804/786-2061.

PUBLISHING AND DISTRIBUTING A CONSUMER'S GUIDE

Franklin D. Murphy

Wisconsin law firms and attorneys have been ordering copies of it at the rate of several hundred each week since it was first issued.

Thousands of Wisconsin residents have been so eager to receive it that they chose to pay the cost of postage and handling for the publication rather than wait until it became available to them free through a local source.

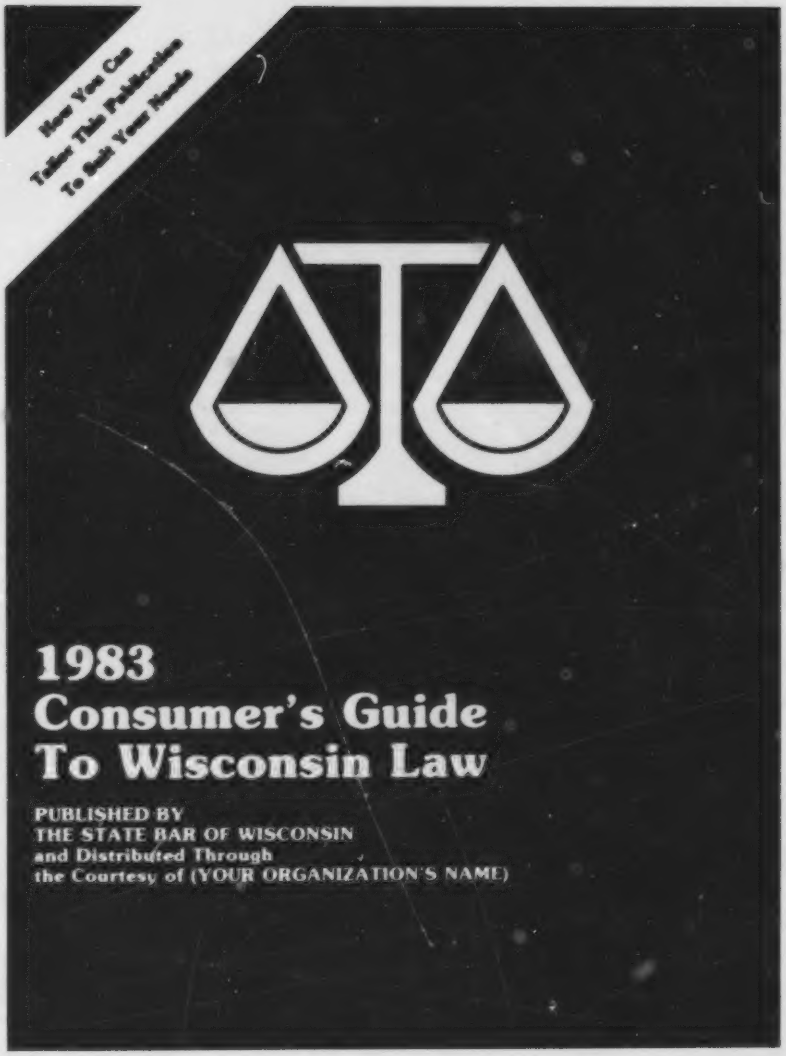
Teachers of law-related courses in high schools, colleges and universities have requested copies of it for their students.

And newspapers have called it "an enormously useful package of answers to some of the most frequently asked legal questions on everything from divorce to bankruptcy to traffic violations."

Indeed, the State Bar of Wisconsin's new *Consumer's Guide to Wisconsin Law* is receiving rave reviews. The 24-page, magazine-size publication contains basic information about Wisconsin law and a person's legal rights and responsibilities, as well as telephone numbers for government and community agencies that can help with law-related problems and tips on finding and selecting a lawyer.

What is even more interesting than the enthusiastic response to the publication's content is the response to the cooperative plan to place the guide in the hands of thousands of Wisconsin residents.

To achieve the widest possible distribution of the publication, the



How You Can
Tailor This Publication
To Suit Your Needs

1983
Consumer's Guide To Wisconsin Law

PUBLISHED BY
THE STATE BAR OF WISCONSIN
and Distributed Through
the Courtesy of (YOUR ORGANIZATION'S NAME)

communications department conceived a plan to invite attorneys, law firms, professional and business organizations and other groups to join in distributing the guide free of charge.

For the cost of printing, attorneys were able to, and did, order the guides by the thousands, personalize them to carry their own or their law firm's name, and distribute them free in their office waiting rooms.

Several organizations also have begun, or intend to begin, distributing the guide to their members free of charge. They include: the Wisconsin Credit Union League, with 700 member credit unions; the Wisconsin Bankers Association, with more than 900 member banks and branches; and the Wisconsin Manufacturers and Commerce Association, with 2,800 member companies. The Wisconsin Realtors Association and the Wisconsin Business and Professional Women Clubs also have expressed interest in the project.

While all these organizations and groups are or will be distributing the guide free to the public, Wisconsin residents can also obtain a copy of the guide by sending $1, to cover postage and handling, directly to the Wisconsin Bar Center.

Hundreds of the guides also were distributed to local bar associations to distribute free to the public in conjunction with a "Meet the Lawyer—Meet the Judge" Law Day program. That program was coordinated and sponsored by the Wisconsin Bar, the state judiciary, the Wisconsin Bar Foundation, and cooperating local bar associations.

To promote the availability of the guide, the bar asked WISC-TV in Madison to help produce 30- and 60-second announcements explaining how the guide can be helpful to consumers and how free copies of it can be obtained. The Wisconsin Bar wrote the script for the TV spots, but the production was handled by the station without charge to the bar association.

The script involved the current bar president posing a brief question about landlord-tenant law, answering that question, giving further details about how the *Consumer's Guide to Wisconsin Law* can help with a law-related problem, and telling consumers how they can obtain a copy. The closing messages of the spots give telephone numbers in Madison and Milwaukee.

When consumers call those numbers they are given the name of a cooperating organization, for example, a bank or credit union in their neighborhood that distributes the guide free of charge. The names of the cooperating organizations are given out on a rotating basis so the organizations equally reap the benefits of cooperating in this worthwhile public service project. The telephone lines are staffed by the State Bar of Wisconsin and the Milwaukee Bar Association.

Because the Wisconsin Bar was uncertain whether commercial television stations would accept the TV spots as public service announcements, it contracted with the Wisconsin Educational Television Network to broadcast the spots at least eight times a month in return for a page of advertising space in the bar association's monthly journal. Although that contract is helpful, it turned out to be unnecessary. Since the videotapes of the spots were released to the commercial stations around the state, they have been broadcast extensively—in some areas at least 75 times a month. We assume the acceptance stems from the public service nature of the free publication.

The TV spots are revamped each year. A new script is written, and the incoming bar president tapes the announcements. This revitalization process helps maintain continued interest in the *Consumer's Guide*, gives continued recognition to the Wisconsin Bar and cooperating organizatons for their public service efforts, and quickly gains recognition around the state for the new president of the Wisconsin Bar.

The state bar also issued news releases announcing the availability of the *Consumer's Guide to Wisconsin Law*. Those releases were published in newspapers throughout the state. The story of the new *Consumer's Guide* was featured on several television consumer programs and at least one television editorial that concluded by saying: "Business and professional leaders should be enthused about making copies available to employees and customers. Kudos to the State Bar of Wisconsin for following through on a good idea."

Based on the experience of the New Jersey State Bar Association with a similar publication, the Wisconsin Bar leadership and staff are confident this method of distributing and promoting the guide is most cost effective and permits the widest free distribution to Wisconsin residents. In addition, the involvement with other organizations in this project is likely to carry many ancillary public relations benefits for the Wisconsin Bar.

Perhaps your bar association could benefit also. Here is the cast of characters and roles as played by the Wisconsin Bar.

First, the bar staff kept track of the routine legal questions that were continually being called in to the "Lawyer Hotline," a component of the bar-operated Lawyer Referral and Information Service that answers simple legal questions. The most frequently asked questions were then turned over to the Board of Directors of the Young Lawyers Division so that volunteers from the board could write out the best possible answer to each question.

The questions and answers were then submitted to the communications staff at the Bar Center to be rewritten and edited to filter out legalese and inject the most easily understood, yet legally accurate, alternative language.

The questions and answers dealt with such areas of law as bankruptcy, collections and debt, criminal charges, arrest, divorce, domestic abuse, landlord and tenant, marriage, probate, real estate transactions, traffic accidents, traffic law violations, driver's licenses, and wills.

The state bar director for delivery of legal services and the communications director then wrote introductory chapters for the guide and chapters on hiring and selecting a lawyer, disagreements about lawyers' fees and concerns about a lawyer's professional conduct. A third part of the guide contained a list of government and community resources that could help with law-related problems that do not require the services of a lawyer and information about public defender and other legal assistance sources. All the information for compiling the third part of the guide already was available through the bar's Lawyer Referral and Information Service.

Final copy for the guide was proofread by nearly every attorney on the staff of the bar association. The communications department then sent the guide to printers for competitive bidding and secured a price that enabled the Wisconsin Bar to sell the 24-page guides to cooperating distributors for 30 cents a copy.

In nine months, nearly 40,000 copies of the guide were given free to the public by this unique cooperative distribution method. The bar is now revising and updating the guide and plans a new press run of approximately 50,000 copies—a volume order that will enable us to pass on even further savings to cooperating distributors.

The Wisconsin Bar also sends out a prototype of the guide under the special title: "How You Can Tailor This Publication to Suit Your Needs." The prototype illustrates how organizations and businesses can have the guide's cover printed so that it reflects their cosponsorship, as well as how the inside front cover of the booklet can be printed with pictures of the organization's chief officer or officers and a message about the organization's cooperation in distributing the guide. Finally, the prototype tells how the organization can have the back page of the guide printed to promote other services—for example, financial services—it offers the public.

As a unified bar association, the State Bar of Wisconsin operates under Supreme Court rules that require it to facilitate the delivery of legal services to the public. The bar's new *Consumer's Guide to Wisconsin Law* is certainly a great help in meeting that mandate.

Franklin D. Murphy is Communications Director of the State Bar of Wisconsin. For more information on the Wisconsin consumer's guide, contact him at the state bar, P.O. Box 7158, Madison, Wisconsin 53707; 608/257-3838.

GETTING STARTED WITH A SPEAKERS' BUREAU

Rosalie A. Small

A speakers' bureau is easy to establish, yet it can be the building block for a wide range of public education programs. The list you compile of willing speakers and favorite subjects can serve as a handy tool to satisfy all your public education needs. In addition to their usual use, speakers can be plugged into television and radio talk shows and ask-a-lawyer programs. Your speakers list can double as a media contact list, giving reporters a handy source of legal expertise to answer questions on breaking news stories. Conferences and adult education classes need go no further than the bureau for potential instructors. In addition, your speakers' experiences explaining law to the public may also help you produce needed consumer publications in understandable language.

To establish a speakers' bureau, you need two things: speakers and publicity. It is useless to have a long list of lawyers willing to speak to the public on any conceivable subject if nobody wants them. Similarly, if you get dozens of calls every month for speakers and cannot supply them, your bureau has failed. An active speakers' bureau can be an excellent educational and public relations tool if it is well organized and functioning at peak capacity. That shouldn't be difficult. It gives attorneys an opportunity to do what they do best—talk!

A simple one-page flyer sent to your members can get you started. The flyer should allow the attorney to select the kind of audience and times that he or she favors for speaking engagements or, more importantly, wants to avoid. When the Fairfax (Virginia) Bar Association sent out a flyer with our newsletter, more than half the members volunteered. The flyer also accompanies the membership card and welcome letter sent to all new members. This too generates a 50 percent participation rate. As a rule, most attorneys will list only a few subjects they feel qualified to address. Some of the topics listed can be surprisingly esoteric.

We incorporate the information from the flyers into a grid, listing the names of attorney-speakers, their availability and expertise. This enables us to discern at a glance which attorneys are available, for example, to speak about wills and estate planning as part of a panel discussion to a church group of older people, late in the afternoon.

Getting speakers is the easy part. The more difficult problem is generating sufficient publicity to bring a steady flow of speaker requests. Of course, every organization receives a speaker request now and then, but that isn't enough to guarantee that the bureau operates at capacity.

Most local newspapers are happy to announce the establishment of a new speakers' bureau. The relationship between the bar and the media will dictate whether you receive a full-scale article with quotes from your president or a small blurb in the business section.

The announcement in the newspapers is only a beginning. You must also notify organizations likely to use the bureau. Publicizing a speakers' bureau must be a continuous activity. Organizations can forget it exists or recognize its usefulness only belatedly.

You can compile a mailing list of organizations likely to request speakers from the Yellow Pages of the telephone directory. Churches, civic groups, social service associations, other professional associations, schools, libraries, and major businesses are some of the organizations to whom an announcement of the bureau should be sent. This mailing list, once prepared, can be used on a regular basis to announce upcoming events, as well as the availability of speakers. The greater your public education activities the more awareness you will generate for the speakers program.

Once the ball is rolling, be responsive to those requesting a speaker. You should answer requests for speakers within 24 hours, with the name, address and telephone number of the attorney who has agreed to fill that engagement. When the speaker attends the function, he or she should take along critique sheets to be returned to the bar association. The feedback given on these sheets can assist in evaluating both the speaker's performance and the usefulness of the bureau. The committee supervising the bureau should review the critique sheets and report periodically to association members on the public reception of the bureau, building continued support.

A speakers' bureau is not difficult to maintain. By paying attention to the details of its operation, you will establish a popular bar activity that performs a valuable public service.

Rosalie A. Small is Executive Director of the Fairfax Bar Association. For more information about the speakers' bureau, contact her at the Fairfax Bar, 4110 Chain Bridge Road, Room 303, Fairfax, Virginia 22030; 703/385-5322.

BUILDING YOUR PROGRAM THROUGH LAW DAY

Robert S. Peck

In celebration of Law Day U.S.A. volunteer attorneys take to shopping malls, airwaves, and telephone banks to offer free legal advice. Free seminars and workshops present important practical information on the law and justice system. Schools sponsor mock trials, debates, essay and poster contests, and visits to classrooms by attorneys, judges, paralegals, legal secretaries, and police officers.

Law Day has become nothing less than a bonanza for the legal consumer over the past 26 years. First celebrated in 1957, Law Day was the inspiration of Washington attorney Charles S. Rhyne, then president of the American Bar Association. President Dwight D. Eisenhower established it by presidential proclamation a year later, as part of "our moral and civic obligation . . . to preserve and strengthen" the American heritage of "liberty, justice and equality under law."

May 1 was set aside by Joint Resolution of Congress in 1961 as a "special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America" and for "rededication to the ideals of equality and justice under law."

Each year, this one-day celebration calls attention to the principles and practice of American law and justice. It is an opportunity for citizens to become reacquainted with our legal heritage, the role of law in society, and the rights we enjoy as well as the duties we have as citizens under the Constitution. Law Day can also serve as the anchor for your public education activities throughout the year.

Many legal, governmental, civic, business, professional, and educational organizations join in the observance of Law Day. Television and radio stations, magazines, and newspapers add their voices to Law Day through public service advertising, editorials and news items. In 1982, the Young Lawyers' Division of the ABA first sponsored "National Community Law Week," a week-long set of activities in conjunction with Law Day.

The programs held on Law Day cover a wide range of activities. In Oregon, the state bar sponsors a "No Bills on Law Day" program, the latest variation on the popular free legal consultation theme offered throughout the nation. Based on a similar program pioneered in 1974 by the Michigan Bar, No Bills Day has become a fixture for many Oregon county bar associations. The consultations are generally 15 to 20 minutes in length and are arranged by appointment. Each person who comes in

You Have a Share in Justice. Don't Sell It Short.

We all have a share in justice. We all have a voice in preserving it, in molding its future. But too many of us sell our share short. Too many of us believe that one shareholder can not make a difference.

Those who believe that should think again. In 1955, a black woman named Rosa Parks caught a bus after a long day at work. It was a segregated bus. Too tired to move, she refused to give up her seat to a white. With that refusal, she "voted" her share of American justice. Her "no" generated the spark that ignited the American civil rights movement of the 60s.

Another citizen, Clarence Gideon, tried without legal counsel, took his case to the Supreme Court and, virtually single-handedly, won the right for all citizens accused of felonies to be provided with counsel if they can't afford to hire a lawyer.

A housewife, Lois Gibbs, driven by the need to protect her family and her neighbors from poisons in polluted Love Canal, voiced her concerns and brought the attention of the nation to bear on the danger to people and the environment.

The list goes on. A single citizen, a single share, can make a difference.

You have a right to be heard, to vote your share. You have a right to help mold American justice. But your rights can only be exercised by participating in justice, by voting your share in its future.

Participating can be as simple and effective as voting in primaries and elections, keeping abreast of the important issues facing your nation and your community, serving as a juror when called, and working to enact laws you believe in.

The potential dividends in the joint venture called American justice are great.

You have a share in American justice. Don't sell it short.

LAW DAY USA MAY 1

Sharing in Justice

May 1st

American Bar Association

for a consultation is offered free public service pamphlets on specific legal subjects and a brochure on the bar's lawyer referral service, in addition to answers to their questions. The program has proven so popular that some county bars have begun to offer it several times a year. For the modest cost of $500, the state bar offers a program that provides legal information to people in 14 Oregon counties.

Bar associations also offer free legal advice at law fair and shopping mall booths, on television and radio call-in shows, from Law Day telephone banks and through traveling vans making stops at natural gathering places like shopping centers and parks.

Another popular Law Day activity is the citizens' conference. It is capable of reaching large numbers at little cost. Hawaii residents, for example, participate in Law Day conferences that concentrate on three legal subjects each year. In 1982, family law, immigration law, and criminal law were the topics featured. Co-sponsored by the Hawaii state judiciary, state bar association, legal auxiliary, and University of Hawaii Law School, the all-day session last year at the state capitol's auditorium featured a keynote speech by a judge, three separate panel discussions, and afternoon workshops on issues raised in the morning sessions. Packets with evaluation forms, brochures on the law, and general information about the law, lawyers, and court system were distributed. The only cost for the conference was $100 for printing.

Speeches contests, and public seminars abound during Law Day and Week. The heightened public attention will help you plan public education activities throughout the year as well as build audiences for future activities. Here is a timetable that can help you prepare for the next Law Day:

December

- Appoint Law Day Committee chairperson and set up subcommittees.
- Plan Law Day program and select target audiences for activities; i.e., students, senior citizens, minorities, people with legal problems.

January

- Write school superintendents and social studies teachers to make arrangements for mock trial competitions, films, speakers, distribution of pamphlets.
- Arrange for courtroom tours with court administrators.
- Call program chairpersons of civic clubs to book speakers for April or May meeting.
- Book speakers for public seminars, bar association luncheon, courtroom ceremony.
- Contact radio and television public service directors to arrange Call-a-Lawyer programs and/or public service announcements.

February

- Order ABA Law Day materials to avoid late delivery or possible unavailability of items.
- Contact governor's or mayor's offices to request official proclamations.
- Meet with radio and television program directors to arrange interviews and panel discussions.
- Meet with business and civic leaders and clergymen to invite their participation in Law Day.
- Contact potential advertisers among banks, insurance companies, utility firms, department stores, and other organizations about sponsorship of paid advertising in support of Law Day.

March

- Talk to newspaper editors concerning Law Day coverage and law-related feature stories.
- Print programs for seminars, speakers, court observances.

April

- Confirm all details of program.
- Invite VIPs to programs.
- Distribute material to schools.

May 1 Law Day U.S.A.

The ABA can help you plan for Law Day and Law Week. It produces a planning guide and program manual, as well as a host of educational and promotional materials, including: student and teacher materials and information; pattern speeches on Law Day topics; consumer booklets, pamphlets and fact sheets; radio public service announcements; newspaper advertisements; editorial viewpoints; leaflets; posters; and a film directory.

Early planning is the key to successful Law Day activities, and that success can be a big boost to your public education efforts.

For more information on Law Day, contact Margaret Carlson, Division of Communications, American Bar Association, 33 West Monroe Street, Chicago, Illinois 60603; 312/621-9200.

CITIZENS' CONFERENCES: LETTING THE PUBLIC SPEAK OUT ABOUT LAW

Charles C. Keller

So the public seems disenamored of the legal profession and distrustful of the courts. The criminal law system has let them down, and the criminal gets more protection than the public. The bar's public relations approach doesn't seem to work anymore. Even our old allies and defenders no longer speak up for our profession. Sound hopeless?

The Washington County (Pennsylvania) Bar Association didn't think so. On December 4, 1982, it conducted a "Citizens' Conference" using the theme, "The Legal System—More Than Lawyers and Judges." After a day-long session in which some 75 leading citizens, representing a cross-section of the county, took a good, hard look at our legal system, newspapers reported the meeting as "innovative . . . impressive . . . Lawyers Go On Trial . . . a bold venture . . . no, "you pat my back and I'll pat yours" affair . . . and the lawyers listened."

Frankly, it was a memorable experience to hear bankers and housewives, preachers and labor leaders, farmers and students responding with "I guess the courts are better than I thought," or "There seem to be good reasons for how the criminal law works, after all," or "I didn't realize how important the lawyer is to society."

The Washington County experience had its beginnings in a statewide citizens' conference sponsored by the Pennsylvania Bar Association in September 1978. That conference was entitled "Pennsylvanians Speak to Their Legal System." And what they said in a very loud and clear voice in their first recommendation to the legal profession was that the organized bar needs to spend more time educating the public about the role, function and working of the legal system.

The citizens' conference concept was seen as an appropriate means of executing this recommendation. It typifies the American spirit of collective wisdom emanating from the grass roots. It tracks the "town meeting" concept that has helped produce citizen interest and participation in government since colonial days.

The Washington County program format was simple. After a keynote overview, presentations by a judge, a lawyer and a layman explained the system—how judges and lawyers and the criminal law actually work. Of course, it didn't hurt to have dynamic former Pennsylvania Supreme Court Justice Roy Wilkinson at the luncheon to discuss "Public Participation in Justice" and society's responsibilities.

And then the conference invitees in three breakout sessions had the chance to speak up. What are the courts doing right . . . and what are they doing wrong? What are lawyers doing right . . . or wrong? Does our criminal law provide safety and security for the public, as well as justice for the accused?

The lawyers listened, and they liked what they heard. Lawyers know the rule of law works, but the public needs our help to understand the system, to have perspective and to overcome misconceptions.

For those who want to conduct a citizen's conference, the Washington County Bar's experience is instructive. President Davis G. Yohe of the 240-member bar named a committee of eight to plan and organize the conference. By choosing a Saturday date (after football season), they minimized competition. They also were able to accept Judge Thomas Gladden's offer to use his spacious, beautifully restored courtroom in the County Court House in Washington, Pennsylvania as the conference setting. Psychologically, this proved a most fortunate choice.

Fixing the focus of the conference proved critical. What did the committee expect to achieve? Was it just lawyer PR, or was it citizen understanding of the court system and where judges, lawyers and the public fit in? So many of society's problems do not fit well into a court setting. A court cannot order spouses to love each other, or neighbors to respect each other. Courts can punish criminals, but only society can find the solutions to criminal behavior. The role of the public in making our system of laws work seems so clear to the profession.

And so the focus took shape—to define the legal system, the partnership of lawyers and judges; to identify causes that society could well solve outside the court setting; to recognize that the courts cannot and should not be expected to absorb all of the issues spilling over from our weakened institutions: the family, the church, the school, the hospital, the university, to name a few.

Who do you invite? The Washington County Bar was advised by the state bar to select opinion leaders and keep the number manageable: no more than 100, no less than 40. The committee decided on a target of 75, no more than 20 percent of whom were lawyers or judges.

From 180 nominees, some 60 persons representing a cross section of the 220,000 county population were chosen—a college president and students, representatives of large and small businesses, labor leaders and bankers, elected officials and housewives, a magistrate and a garage owner, farmers and physicians, a beautician and a taxi driver, and, of course, media people. An effort was made at achieving a balanced composite with attention to geography, minority representation and economic groupings, but each individual was selected because he or she had a record of community interest and involvement and a circle of influence.

Formal invitations, r.s.v.p., were sent to each, with telephone follow-up in a few cases. The enthusiasm of the response was startling. It appeared that people actually welcomed an invitation to be informed and involved in this experiment in active citizenship.

On the day of the conference, the customary registration desk, name tags, greeters, coffee and donuts created a friendly atmosphere. The program ran on schedule, from 9:30 to 4:00, with an hour-and-a-half at a nearby hotel for the luncheon. The bar funded the entire event, of course, but stayed well under its budget of $1,000.

The guests got their turn during the breakout sessions in the afternoon. The first group discussed "The Proper Role of the Judicial System in Society—How Successful Are the Courts in Filling that Role?" Topics included the public consequences of overcrowded dockets, inadequate judicial salaries and political control of court budgets. They also discussed the judicial qualities they preferred and got into merit selection issues.

The group discussing "The Role of Lawyers in the Legal System" outlined its expectations for lawyers. Participants were introduced to the economics of law practice and such professional mechanisms as bar discipline, client security funds and continuing legal education. Legal services to the poor, elderly and handicapped were explored. They even discussed legal fees—and what the client gets for his money.

The third group concentrated on "Criminal Justice . . . Where Does the Public Interest Really Lie?" Sentencing guidelines, plea bargaining, accelerated rehabilitative disposition, juvenile court problems and even the insanity defense were discussed, evoking intense interest and participation.

For each discussion group, the moderator and a reporter brought back to a final assembly a synthesis of the group's conclusions and thinking, and it was *their* thinking, and *their* conclusions. The bar leaders in each case served only as resource people and as stimulators.

In Pennsylvania, the Washington County Bar's experience was a "first" in bringing in-depth understanding of our legal system to the public at the county level, but it will not be a last. The entire program was videotaped, and a package of materials has been prepared for other bar associations. The Pennsylvania Bar plans to make it available, with modifications, to bar groups, from the smallest to the largest. A second conference is scheduled in Fall 1983 for York County, and Monroe County and a number of other countries are exploring the possibility of holding conferences.

We have learned what we should have known all along. Good "PR" doesn't come from tooting our own horns. It comes from doing—and from showing that our profession provides a useful, even crucial service to society. The conference accomplished more than we could have ever hoped.

Lawyers who fret under the burden of public misunderstanding and distrust have a sure-fire tool in the citizens' conference. If we can get responsible citizens to sit down and think things through with us for a day, understanding will produce respect, and respect will ultimately produce citizen support for the rule of law.

Charles C. Keller is an attorney in private practice and past-president of the Pennsylvania Bar Association. For more information on the Pennyslvania citizens' conferences, contact him at the state bar, 100 South Street, P.O. Box 186, Harrisburg, Pennsylvania 17108.

BRINGING LAW TO THE COMMUNITY WITH TOWN HALL MEETINGS

Michael B. Wedner

Throughout the ages, lawyers have been scorned by the general public. Shakespeare, for instance, once wrote "[T]he first thing we do, let's kill all the lawyers." One of the sources of public mistrust undoubtedly is lack of public understanding about the origins and workings of the law.

One of the better ways to correct this gap in knowledge is for those who are lawyers to reach out to the community by offering educational courses about law. On a highly organized level, these courses can be offered through local high schools, night schools, junior colleges and universities for credit. Less formally, and in a variety of ways, they can be offered through town hall meetings.

Six major concerns must be addressed in planning a town hall meeting program: scheduling, space, topics, speakers, materials and public relations (advertising). In addition, last minute details warrant great attention as well.

Once the decision is made to develop a town hall meeting program, form a committee to develop the program. The task of properly implementing the program would be extremely burdensome for one person, even a person with no other responsibilities—such as a job or family. A division of responsibilities permits a number of people to devote manageable blocks of time to organizing the program, while still covering the tasks to be done. It also allows the contribution of a variety of ideas to program organization. How such a committee is organized and how responsibilities are delegated will depend upon local needs. The committee should be large enough to accomplish its tasks.

Assign each member a major responsibility, such as one of the six concerns listed above. Follow-up on completion of assigned responsibilities is important to a successful effort. Written records circulated among members of the committee are helpful, as are regular committee meetings.

Each particular area has its own quirks. Scheduling considerations overlap with other areas, particularly space availability. You must also avoid scheduling conflicts with major local activities like festivals, concerts and big football games. Another fundamental scheduling decision is whether to try weekend or weekday evening meetings. That decision turns, in part, upon where the meetings are scheduled and what audience is sought. As fascinated as lawyers can be with law, members of the public often find it boring and, for better or worse, insignificant. Absent, or even notwithstanding, an all-star lineup of speakers and door prizes for attendance, many members of the public probably would rather spend their weekends doing almost anything other than listening to a discussion about laws. On the other hand, such people probably also would be reluctant to listen to such presentations after a hard day at work.

A compromise solution to this Hobson's choice is to schedule town hall meeting programs around special voluntary club or group activities. If a pre-existing business, religious or social club audience can be found, mechanics are vastly simplified by going to the audience, rather than by trying to create a new audience from scratch. Accordingly, one way to enhance the odds of putting together a successful town hall meeting program is to find out in advance the time and location of regularly scheduled group meetings. Then, bring the program to the group, whether on a weekly, monthly or yearly basis. Such an approach makes public relations easier as well. On the other hand, if you choose to put on a general program, a Saturday morning format probably will work as well as, if not better than, others.

Once a time to hold a town hall meeting is selected, other details must be arranged. Space availability may depend upon whether or not a meeting will be for a particular or a general group. If a special group audience is chosen, the meeting can be conducted where that group ordinarily meets. Coordination can be made directly with the group. On the other hand, for a general audience, it may be necessary to secure independent space. Local schools may have space available. However, they also may require course registration or a large monetary deposit to cover liability insurance. Such requirements may be prohibitive for the program's organizers.

Public buildings also might be available. Appropriate city, county and state officials must be contacted. A central location near public transportation is desirable. So, too is a location where groups may be split into smaller discussion groups following general topic presentations. If permits are necessary, they should be obtained well in advance. Shopping centers book up many months in advance. If programs are planned for them, the owners should be contacted quite early.

At the bottom line, free space of almost any sort is desirable. However, it is possible a security deposit may be required for use of private, or even public facilities. Where money changes hands, due care must be taken to ensure that the rights and remedies of the organizers are carefully protected. A written agreement specifying appropriate procedures for various contingencies should be obtained in such circumstances.

Selection of topics can be made in a number of ways. If a specific audience is being solicited, that audience may be interested in hearing concerns peculiar to it. For instance, if town hall meetings are to be conducted at senior citizen centers, problems of the elderly could be discussed, including social security benefits, wills, and medical issues. Similarly, religious groups might be interested in hearing about the relationship between the Establishment and Free Exercise clauses of the First Amendment, and how that amendment affects governmental operations. Another alternative in selecting a topic is to conduct a survey in advance of program scheduling. Of course, the committee always can decide on its own what topics to present.

Once topics are chosen, speakers must be selected to present the material. Here, coordination with the local bar association is most helpful. Among the considerations in speaker selection are whether the program format will be entirely lecture in nature, whether there will be small discussion groups, and whether there will be question-and-answer sessions following initial presentations. The choice is up to the committee.

If the town hall meetings are to be scheduled as open generally to the public, rather than directed toward a specific audience, lawyers of great notoriety and reputation likely will have the best impact on attendance. Conversely, if a specific "captive" group is to be addressed at a specific location, less celebrated but competent speakers can present the materials. Coordinating with speakers is a task in itself. Many attorneys will agree to speak readily; others will require more persuasion and scheduling accommodations.

Once speakers are chosen, they should prepare and submit a brief outline of the materials they will discuss at the meeting. Doing so will serve two purposes. It will ensure that the speakers give attention to their remarks prior to the moment they step before the audience. It also will permit distribution of the outline to allow the audience to follow the talk more closely, as well as take notes. Sufficient copies for distribution should be available.

Perhaps the most important area to consider is public relations, especially if the program is developed for the public-at-large rather than for a particular group audience. Members of the media, including television, radio and newspapers, should be contacted well in advance to see whether stories, public service announcements, advertisements and articles can be arranged. In the case of the print media, the committee should prepare its own proposed articles for publication in the form of a press release, rather than rely upon the media to become familiar with the details of the program on short notice. Doing so will increase the likelihood that accurate and useful information will be printed. Similar efforts should be undertaken with television and radio stations.

Other publicity methods include posting signs in public places, letter writing, distributing brochures, and telephoning likely attendees. Each has benefits and costs that should be considered in deciding what is best for a particular locality. One cost is out-of-pocket dollars. The local bar association may appropriate money for a town hall meeting program, if solicited. Alternatively, a particular group audience may agree to pick up certain costs.

On the day of the actual meeting, find out the names of those in attendance, even if only to inform them later on about other meetings. In addition to speakers' outlines, other materials may be handed out to the audience. State and local bar associations can provide very informative pamphlets on a number of topics. Visual aids like maps and signs to direct people to the rooms being used are helpful. Taping presentations for later use also might be considered.

How the actual meeting is conducted is up to the committee. A few pointers may be useful, however. For one, try to keep talks brief. Short attention spans necessitate concise treatments of topics. Also, a variety of presentations may keep interest at a peak. A lecture can be followed by a panel discussion that may precede a question-and-answer session. In addition, a moderator probably should be used to advise the audience of breaks or changes in the format (for instance, if a planned speaker is unable to attend). Microphones also should strongly be considered, especially if acoustics in the meeting place are poor.

Following the meeting, send thank yous to key participants. Conduct surveys of the audience to determine how the program was received and how it might be improved.

Town hall meetings offer good opportunities to familiarize the public both with particular legal issues and with the public-spirited nature of local lawyers. Beginning such a program in your community may go far to keep Shakespeare's advice restricted to the theatrical domain.

Michael B. Wedner is an attorney in private practice and a member of the Jacksonville (Fla.) Bar Association. For more information about town hall meetings, contact him at P.O. Box 4788, Jacksonville, Florida 32201; 904/355-2525.

TRAVELING SLIDE SHOW GIVES BAR ANOTHER EDUCATIONAL TOOL

Alan M. Petrillo

Educating New York's citizens about their rights and responsibilities under the law is the main objective of the New York State Bar Association's exhibit program.

Administered by the public relations department, the program features five self-contained slide projection units that are displayed in banks, shopping malls, and other high-traffic public areas.

Four of the exhibits utilize a rear-screen slide projector to provide visual information on many areas of the law in easy-to-understand language. The fifth display is a specialized exhibit that illustrates, through rear-lighted transparencies, the typical situations that require the services of an attorney.

Some of the areas of the law covered by the slide shows include divorce and separation, wills, estate taxes, real estate, bankruptcy, landlord-tenant relations, selecting a lawyer and contracts.

Local bars sponsoring the exhibits have been able to use them as a basis for press conferences, free legal advice days, and other law-oriented educational events.

When the program began in 1974, audio messages were provided with the visuals in the exhibits. However, since the exhibits are designed to run unattended for long periods of time, we found that the audio messages tended to interfere with other activities around the exhibit.

We then decided to provide the full message in visual form only, through the use of rear-screen projectors. This method has proven successful, especially in banks and other areas where audio repetition of a message can be distracting.

The rear-screen units contain Kodak Ektagraphic projectors that incorporate timing mechanisms. Eighty-slide carousel trays are used, and the timer is set for a five-second delay. Since most of the topics average only eight-to-ten slides in length, a complete message about a specific area of the law can be presented in under a minute. Divider slides are inserted in the carousel to separate the various topics.

The exhibits are promoted through publicity in the *State Bar News* (the general membership newspaper for the association); personal contacts with local bars, civic and fraternal groups; and mail marketing campaigns directed at banks, local bars and civic groups.

Put the STATE BAR'S EXHIBITS to work for you!

NYSBA

The New York State Bar Association has five exhibits available for loan to local bar associations, banks, civic and fraternal groups. These exhibits are designed to educate New York State's citizens about their rights and responsibilities under the law.

Any of these exhibits may be borrowed at no charge. The State Bar Association pays shipping charges, except when the destination is off major delivery routes. Set-up costs, where necessary, are the responsibility of the group borrowing the exhibit. The exhibits are insured by the Association.

For more information about any of the State Bar's exhibits, contact Alan M. Petrillo, Assistant Director of Public Relations, New York State Bar Association, One Elk Street, Albany, New York 12207 (518-463-3200).

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The exhibits are packed in heavy-duty crates for shipment by common carrier after consultation with the sponsoring bank or shopping mall and the local bar. In most cases, the state bar pays all freight costs.

Generally, an exhibit is provided on loan to the sponsoring organization for a period of two weeks. Exhibits are always returned to our Albany headquarters after a loan period for inspection by the exhibition service contractor who handles maintenance of the displays.

The public relations department also researches, writes and develops the specialized artwork for all the slides used in the exhibits. Presently, 25 different topics are covered by the slide shows.

Since exhibit loan time is generally two weeks, and shipping and maintenance inspection can add up to the same amount of time, an exhibit generally is used only once a month. With its five exhibits, the association can provide up to 60 visits around the state each year.

Since the law is in a constant state of change, slide shows must be carefully checked at routine intervals for any discrepancies with newly-enacted statutes. When necessary, replacement slides are designed, or completely new slide shows are substituted.

Probably the largest investment in such a program is the initial cost of the display unit itself. Depending on the size and model of the unit chosen, prices can range from under $500 for a small portable unit about the size of the television set to $4,000 or more for a custom-designed exhibit. Added to that is the cost of the artwork and graphic design for the slides. A charge of $50 per slide for original artwork is not unusual.

Transportation costs are generally the smallest position of the budget, since common carriers will accept the exhibits for transportation under the category of "exhibition material." Since this is one of the lowest transportation rates, NYSBA is able to ship its largest exhibit to the farthest area of the state and return it for approximately $50.

While the initial cost of setting up an exhibit program is relatively high, the exposure gained by the organized bar in providing information about the law to citizens of the state has proven to be well worthwhile.

Alan M. Petrillo is Assistant Director for Public Relations for the New York State Bar Association. For more information about New York's exhibit program, contact him at the state bar, One Elk Street, Albany, New York 12207; 518/463-3200.

PUBLICIZING YOUR EDUCATIONAL PROGRAM

Sheila Boro

Now that your bar association is ready to launch a public education program, how do you spread the word to John Q. Public?

That time-tested standby, the news release, is a good first step, but it is just the beginning. To reach as many citizens as possible in your city or state, start by targeting places frequented by the public. These include shopping malls, supermarkets and public libraries, to name a few.

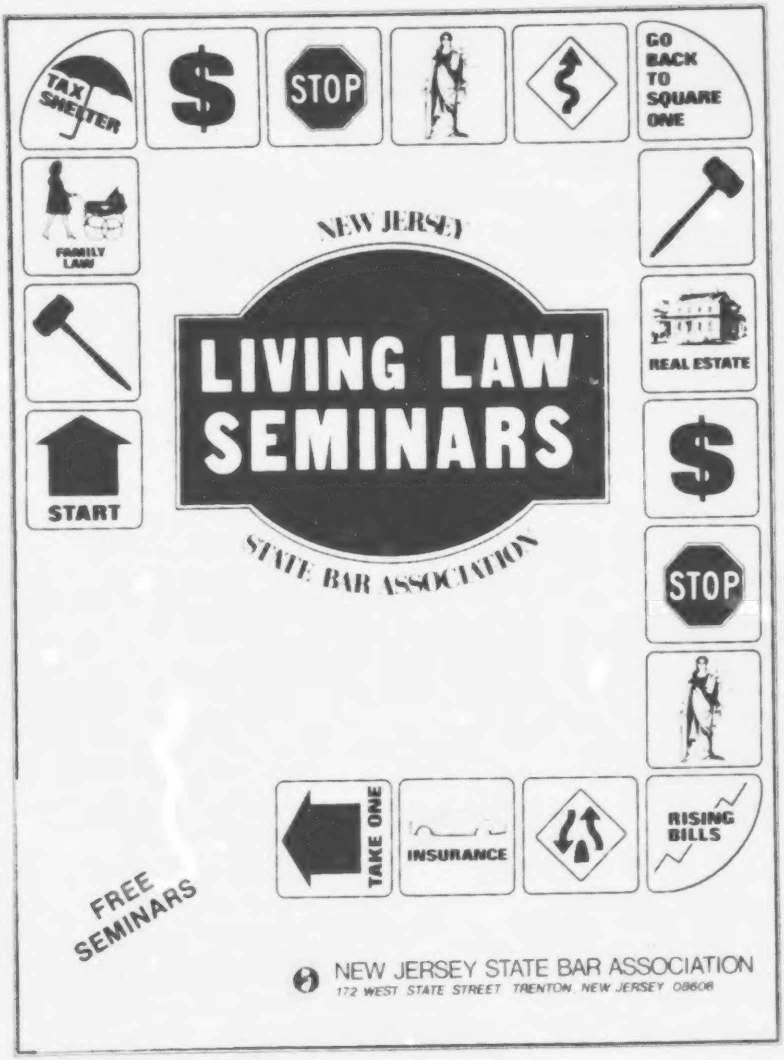
Because shopping malls have become the town squares of our society, these are good places to reach and attract an audience. The New Jersey State Bar Association (NJSBA) has made use of shopping malls both to publicize and conduct public education seminars. Through an arrangement with a statewide department store chain with stores in major malls, NJSBA presented its "Living Law" seminar series to the public. This dealt with a variety of topics of interest to the public from divorce to real estate law.

At key entrances to the store, we positioned our "Living Law" posters. Each 17 by 20 inch poster had a five-inch-high pocket in the lower left-hand corner labeled "Free Seminars" in bold capital letters. After a specific seminar ended, flyers could be removed from the pockets and replaced with new ones in order to inform the public about upcoming seminars. Dates for seminars were featured prominently on the top half of the flyer, which was folded in thirds. It opened to reveal a complete program of speakers, times, topics and place.

The seminars were conducted in the community room of the department store. This was an intimate setting designed for quality attendance, rather than to attract mass audiences. It proved most effective, since many participants came prepared with sophisticated questions reflecting their special interest in the subject at hand. Because of the small-group sessions, the majority of participants had a good opportunity to pose their questions to the attorney-speakers, which significantly enhanced the overall seminars.

In addition, the department store chain also agreed to provide paid advertising in local papers. The ads invited the public to attend free of charge and listed some of the questions to be addressed, along with names of speakers. NJSBA's co-sponsorship was touted in the bold headline above the ad.

We also placed our "Living Law" posters in grocery stores (on the


TAX SHELTER
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NEW JERSEY

LIVING LAW SEMINARS

STATE BAR ASSOCIATION

FREE SEMINARS

NEW JERSEY STATE BAR ASSOCIATION
172 WEST STATE STREET TRENTON, NEW JERSEY 08608

community bulletin boards near entrances and exits) and in public libraries. Supermarket managers and librarians were most cooperative and readily allowed us to tack up the posters announcing this public service.

All of these methods were easy to enact and enabled us to reach the public more directly. Based upon the needs of your community, you can adapt these methods to specific audiences. For example, if your bar association is sponsoring a seminar on Social Security law, consider directing your promotional efforts toward senior citizen recreation and resource centers as well as "leisure villages" with a mature population. Staging the event at such places will also help draw a good audience.

Remember that the key word in attracting the public's attendance is *quality*, not quantity. Apartment dwellers are not necessarily interested in real property law, unless they plan to purchase a house in the near future. Newlyweds will not flock to a seminar on child custody. Tailor each program to a specific audience and concentrate on attracting a quality turnout of that audience—an audience whose interests in the subject matter is keen and who have questions and comments to contribute to the session. In this way, your public education seminars will provide a valuable learning experience both for attorneys and the public.

Sheila Boro is Associate Director for Communications and Public Affairs at the New Jersey State Bar Association. For more information about New Jersey's publicity techniques and the "Living Law" seminars, contact her at the state bar, 172 W. State Street, Trenton, New Jersey 08608; 609/394-1101.

ESTABLISHING A LEGAL HOTLINE

Robert S. Peck

Free legal information is just a telephone call away as a result of a growing number of legal hotline programs across the country. The programs come in two forms: taped and live.

The taped format allows callers to a central number to hear a prerecorded message on a specific legal topic. The free service can be found under a number of names, including Tel-Law, Dial Law, and Legalines. It originated in 1975 as a joint project of the Riverside and San Bernardino County bar associations. Their Tel-Law system was an adaptation of the Tel-Med program of a local medical society. The Riverside-San

Bernardino program began with 50 tapes and has now grown to 225.

The bars have established a non-profit corporation to supervise and plan Tel-Law's expansion. They have licensed 15 franchises in California, but allow free use of their name and techniques outside the state. They estimate that 60 Tel-Law installations exist throughout the country.

The live programs allow callers to speak to an attorney, but only run during limited hours when volunteer attorneys are available. For example, on the first Thursday of each month, from 5:00 to 8:00 P.M., attorneys from the Young Lawyers Section of the Philadelphia Bar Association staff a special telephone panel to take calls from residents with legal problems or law-related questions. The Philadelphia project, "LegalLine PM," is a free and confidential service of the bar's lawyer referral and information service.

While live programs can be more responsive to specific questions, the taped programs don't require attorney-answerers and can be run every day with a single operator. These hotlines have found sponsors in bar associations, charitable organizations, public libraries and banks. They often run in conjunction with tape library systems offering information about medicine, banking, and veterinary care.

Typically, the tapes run from two to six minutes. In addition to outlining a single legal topic, they often refer the caller to sources for additional information and give the telephone number of the local lawyer referral service.

Sponsors claim that the tapes help the callers determine whether they have a legal problem and whether they will need a lawyer. Much of the information contained in the tapes is designed to help the caller recognize potential legal problems before they become serious. Often, people afraid to contact a lawyer will not hesitate to make this anonymous telephone call. Some attorneys refer their clients to the appropriate tapes on the system to give the client background in that area of law, while saving the client the cost of the attorney's time.

The tapes admonish the listener that the information contained gives general background and should not be used as legal advice for a specific problem or a substitute for the services of an attorney.

"Tel-Law is not a panacea for the vast unmet legal needs of the public," said Joseph Aklufi, an attorney and president of the nonprofit corporation, "but it is a valuable first attempt in expanding the public's knowledge of legal rights."

Tel-Law reports that their most frequent requests are for information in the areas of landlord-tenant problems, family law and bankruptcy.

Here's how the systems work. A caller dials the central phone number and requests a specific tape by number from a widely-disseminated catalog of tapes. The operator then plugs the tape in and allows the listener to hear a plain-language explanation of the general principles in that area of law. The systems operate for extended hours, allowing listeners to call for information in the evenings and weekend afternoons.

"The number of telephone calls is directly correlated to the amount of publicity," said Aklufi. The Riverside-San Bernardino program averages 2,700 telephone calls a month on their five lines. During periods in which they engage in advertising, calls shoot up to 4,000 a month, slightly more than one percent of the population in the toll-free call area.

Chicago's Dial Law program averages 10,000 to 15,000 telephone calls a month and operates 12 lines. Like many hotline systems, it benefits from a free full-page public service advertisement in the telephone book that promotes legal information by telephone and lists the tapes available. The Chicago program also uses public service bus ads. Because the program is cosponsored by the city and suburban public library systems, book marks available in the libraries also advertise the Dial Law program. Using a Chicago Bar Foundation grant for publicity, the program occasionally airs television advertisements about the program, featuring actor John Houseman, star of "The Paper Chase."

Operating a legal hotline is expensive. The costs include telephone lines, play-back equipment, operators, and the printing of brochures listing available tapes. Chicago's Dial Law system operates 57 hours a week, using one and a half full-time junior library clerks as operators. The Chicago program costs approximately $29,000 a year.

Tel-Law, Inc. reports that there is an initial cost of $1,700 per line. Rather than rely on volunteer operators, they prefer to use a professional answering service at a cost of $200 a month for their four lines. Tapes cost $11 each. Publicity, printing, and cataloging the tapes are the other remaining major costs. These can often be underwritten by civic-minded organizations and individuals, with tag lines added to the tapes to note sponsorship.

Tel-Law advises that the day-to-day operation of the installation be supervised by a volunteer committee responsible for finding the switchboard site, employing the telephone operator and raising necessary funds. In addition, someone must assure that tapes remain up to date and that new tapes are added to fill unmet needs.

Among the successful publicity methods that have been used are: including the brochure in governmental, welfare, and utility bill mailings; placing public service advertising in telephone books (sometimes sponsored by banks and civic groups); and distributing press releases on new tapes.

The legal hotlines have proven to be a successful way of making information about the law available to the public. Their growing popularity is further evidence that the public wants to know more about the law.

For more information about the Tel-Law system, contact the President of Tel-Law, Inc., attorney Joseph Aklufi, 3737 Main Street, Suite 1020, Riverside, California 92501; 714/684-2520. For more information about live programs such as LegalLine PM, contact Daniel Cirucci, Director of Communications, Philadelphia Bar Association, 1339 Chestnut Street, Philadelphia, Pennsylvania 19107; 215/686-5686.

Programs by Judges and the Courts

This section includes an impassioned appeal to judges by journalism professor Fred Friendly, urging them to speak candidly to the public on the work of the courts; a model speech developed by Justice Shirley H. Abrahamson of the Wisconsin Supreme Court; and descriptions of many innovative programs around the country offered by judges and courts.

ON JUDGING THE JUDGES

Fred W. Friendly

Scapegoat or "the weakest link in our society"? Judges have some explaining to do. It is now open season on the courts.

In New York people are talking about a juvenile offender charged with the robbery of a 15-year old girl at knife point. He was released when the victim was too frightened to testify. A few months later the same youth was arrested for robbing an elderly woman, was convicted, and served 30 days. He was arrested a third time for assault and robbery, was sentenced to a year in prison but was paroled after four months. Two weeks after his release the same delinquent was back in custody charged with the gunpoint kidnapping of a registered nurse and her doctor fiancé.

In California people are talking about a convicted burglar-prowler who was set free after the State Supreme Court ruled that the police, who found the stolen goods inside the trunk of his impounded car, had no legal search warrant.

In Arizona people are still talking about two juveniles who so brutally kicked a schoolmate that he died of a ruptured spleen doctors failed to detect. Judge Thomas Tang, after hearing the evidence in closed juvenile court, judged the defendants to be delinquent rather than handing them over to criminal court as public opinion demanded. Instead the judge placed them on probation until their twenty-first birthdays. Two years later, when Tang stood for re-election, he was humiliated and defeated by a law and order rival. Seven years out of office Judge Tang was, in 1977, appointed by President Carter to the Ninth Circuit Court of Appeals, the second-highest tier in the federal court system. When asked recently what ever happened to the two juveniles he set free, Tang said, "Funny, no one ever asks me that. One boy is a teacher and football coach in California. The other is a municipal fireman in Arizona."

In addition, the crazy quilt of discrepancies in sentencing shocks a public that seldom hears the success stories of probation. Former Federal District Judge Marvin E. Frankel refers to such arbitrary sentencing as "law without order or limits." His book, *Criminal Sentences*, cites chapter and verse of punishments ranging from 30 days to 15 years for virtually the same "bad check" crimes in the same jurisdiction. The range for convicted felons is often just as wide: a bank robber is sentenced to 98 days and a tax accountant gets 31 years in the same prison for fraud.

In order to understand the public's perceptions of judges, the National Center for State Courts commissioned a survey of more than 3,000 citizens, community leaders, lawyers and judges. The results of the Yankelovich, Skelly & White survey may be as frustrating as they are harsh.

Judges cannot brush aside public disenchantment with the courts. This survey, which graphically details this discontent, cannot be discounted as simply another trivial pollster's game. What all this adds up to is a fundamental conflict in our society, with profound implications.

Judges can no longer afford to take the lofty attitude that they are above it all. They, and the judicial process, will be measured by public opinion, and will inevitably be challenged and changed by it in more ways than you might predict.

Most judges are either too proud or too unconcerned to respond in any way to the unorchestrated beat of public opinion. Rare is the judge who is willing to speak to the media, make a speech or write an article about controversies concerning the courts. Most judges will talk among themselves in their chambers or lunchrooms, but will never take the initiative to speak to the public.

The gap between what the public expects from their state and local courts and the judges' view of their job is a revelation. The public holds the courts responsible for protecting society, and only 23 percent of the public is "very confident" about the performance of state courts. Most people feel that street crime is the greatest single problem in America—ahead of inflation and unemployment—and many (43 percent) criticize the courts for not reducing violent crime.

The public is generally disappointed because it believes sentences are not tough enough. More than half of the people favor limiting judicial discretion in sentencing. Fifty-five percent blame the courts for granting bail to those previously convicted of serious crimes.

"Protecting society is not my job," admonished one judge as he banged the table. "If I thought that was why I was appointed, I'd resign tomorrow." That judge, like many others, believes his job is to adjudicate disputes, to help juries weigh evidence, and to apply the law to the facts under a constitutional system guided by precedents established by legal history.

Trial judges are bewildered that their constituents place so much of the blame on them instead of on law enforcement officials who concentrate on the wrong kinds of crime; on state legislatures who refuse to modernize the criminal codes; or on such societal issues as poverty and race.

Perspectives change, depending on where one sits in the courtroom. A quarter of the American public compared with three percent of the judges believes the courts do not treat the poor the same as the well-to-do. Nineteen percent of the public, compared with three percent of the judges and 13 percent of the lawyers, feel the blacks don't get a fair shake. There is a general feeling, too often justified, that judges are appointed because of political connections, and an alarming 26 percent of the public perceive that court decisions are influenced by political considerations.

Thirty-seven percent of the public believe a defendant must prove his innocence when, of course, the state must establish guilt beyond a reasonable doubt. (One cynical judge observes too many of his colleagues share that flawed view.) Sixty-two percent believe that the district attorney's task is to defend the accused at taxpayers' expense. Seventy-one percent believe that the Supreme Court can overrule any state court when, in fact, the high court has jurisdiction only in limited areas and on constitutional disputes.

If the judges are to instruct society on the full meaning of justice, how shall they do it? The survey indicates that only six percent of the eligible citizens have ever served on a jury, and three out of every four citizens claim they know either very little or nothing about state and local courts.

The recommendations that follow are the reflections of a journalist, but they represent the concerns of judges, attorneys, law professors, prosecutors, probation officers, and thoughtful citizens in some 30 states who understand that the modern judge can no longer be an old man in a long nightgown making muffled noises at people who may be no worse than he is, to borrow a phrase from Judge Learned Hand.

Obviously, the major method of improving the public's attitude toward the judiciary is a massive reform of the court system including, but not limited to, criminal justice. The public indicates that the courts fail to adequately resolve routine civil disputes. The process takes so long, and often the cost of litigation far exceeds the amount in controversy.

Implicitly, court reform is better left to practitioners and experts, but the issue of image goes way beyond that sober undertaking. The judiciary must break out of its institutional shell, particularly where it meets the public: in the courtroom, where the public forms its impressions of the judiciary firsthand and in the newsroom, where the pictures in our heads form a composite of countless daily snapshots.

Our visions of the courthouse are of extremes. One is found only on television where Perry Mason always prevails, where the judge listens with sober attentiveness and where no defendant is convicted of a crime he did not commit. It is simple justice. The other vision, quite unlike the first, comes from our firsthand and often single experience in a courtroom, where the atmosphere in the hallways is like an urban bazaar—the legal process of Dickens and the language of Jabberwocky.

Too often bailiffs, clerks and secretaries patronize and even intimidate witnesses and leave jurors in a "sit there until we call you" limbo. Chief Justice Warren Burger has spoken of the vexing problems of wasting the valuable time of those who present themselves for jury duty.

"Jurors like firefighters must be on hand when they are needed, and therefore 100 percent utilization is not possible," the Chief Justice has said, "but I hope over the next few years . . . we will see to it that busy citizens who are called for jury duty will not spend most of those hours watching television, playing checkers or reading outdated magazines in the jury waiting rooms."

Actually, some of that waiting time could be used constructively if court personnel could be trained as enthusiastic teachers. Some instructional films and videotapes utilizing past trials could make up an optional curriculum where retired judges and law professors could teach the complexities of jury selection and the role of witnesses in reconstructing the events of a crime.

The education of jurors is too crucial to be left to the judges alone. The charge to the jury, for example, is often an obstacle course in logic for the layperson. As one judge phrased it, "We sit there looking right over the heads of the jurors, reading our boilerplate charges to the next highest court, just hoping we won't be reversed."

A recent study of the comprehensibility of jury instructions, funded by the National Science Foundation, reveals that the standard explanations of law given by judges to help jurors reach a verdict leave them confused by the legal language and, therefore, by crucial elements of the instruction. This finding supports the "plain English movement," a national effort to substitute ordinary language for legalese.

Jurors must understand the instructions of evidence given to them if they are to reach just verdicts. Learned judges pride themselves on their written opinions, but as Senior District Judge Charles Wyzanski has said, ". . . the task of writing opinions is as nothing compared with the duty of so conducting a trial . . . that the jurors, the parties, the witnesses, the counsel, and the spectators not only follow the red threads of fact and law but leave the courtroom persuaded of the fairness of the procedure and the high responsibility of courts of justice in advancing the values we cherish most deeply. A judge who succeeds in that endeavor even half the time is an extraordinarily good man."

The judge, as teacher, must reach out to those who sit on the hard oak benches almost as much as to those 12 persons in the jury box. The courts are constitutional government in motion. The lessons learned in the courtroom can last longer than the verdict, and clear messages about the law's expectations and penalties can spur lawful behavior.

The grandeur of judicial surroundings may be overwhelming to citizens seeking justice. A high Scottish judge once defended the use of ermine-trimmed robes, wigs and the royal mace by telling me, "It's very hard for witnesses to lie when confronted by the surrogate of the Crown in wig and gown." The formal ceremonial trappings of the bench may be necessary to elevate the proceedings. Even the Latin legalese may be useful as terms of art, but in an era when the poor and undereducated have the most contact with the justice system, communications breakdowns come at an unacceptable price. Some trial judges make a maximum effort to explain arcane legal jargon. Too many others are oblivious to this need.

Many perceptions of the courts emerge from what we hear on television or read in the newspapers. It is, therefore, essential that the communications channels from judges to journalists are always open. One doesn't need a survey to know that the media ranks low with the judiciary (a mere 17 percent of the judges surveyed give the press a "high confidence" rating). Even Court of Appeals Judge Irving Kaufman, whose opinions on First Amendment conflicts have expanded protections for the press, feels that reporting on the courts is "all too often inaccurate or superficial."

Journalists counter that judges refuse to grant interviews after a trial, refuse to brief journalists on the roots of law in a complex case, and just don't express themselves clearly. Some news organizations are beginning to correct their shortcomings by recruiting journalists with legal education, and the Yale Law School has a program that enrolls five "mid-career journalists" for a year's intensive training.

Fifty newspapers from Washington to Hawaii, in cooperation with the Ford Foundation, have conducted three-day seminars for judges and journalists with considerable success, but these have concentrated on such media-law disputes as fair trial/free press, national security, reporters' privilege, libel and privacy. The technique which is highly structured and conducted by an experienced law professor using the Socratic method, could be extended to reach out to the public and its leadership groups. Judges have suggested that similar seminars could focus on such areas as sentencing, plea bargaining, juvenile violence and correction, the high cost of litigation and legal ethics.

The law and the media have much to gain by protecting the independence and strength of the other. As Howard Simons and Joseph Califano, Jr., wrote in their book, *The Media and the Law*, more than any branch of society, "judges and journalists depend on moral suasion for effective institutional survival."

One place to begin is by taking the shroud of mystery out of "opinion day." On major appellate opinions it makes no sense to spring an important decision at 10:00 a.m. and think that even a legal scholar can do a comprehensive story for the afternoon newspaper or the evening news. A suggestion: the courts could, at least, announce that the anticipated opinion in a pending busing or abortion case will be issued on a designated date. This would enable an editor or producer to plan for it, reserve appropriate space and make certain his most knowledgeable reporter is available and prepared.

Press-bar guidelines may or may not work, but some kind of arrangement to enable the media to understand and, therefore, explain the complicated business of the courts in a highly charged deadline atmosphere is essential. Judges and journalists who don't comprehend that are sacrificing the same Bill of Rights they claim to protect.

The television camera, now miniaturized and requiring little more than normal room light, can illuminate, can teach, and, by its very presence, can reform. All the arguments against television coverage were heard prior to the Ervin Select Senate Committee hearings on Watergate and the Rodino House Committee impeachment proceedings against President Nixon. No social science evaluation is required to establish that those events were among Congress' finest hours.

According to the survey, 57 percent of the public want television in the courtroom, but not even the most zealous advocates suggest coverage of all trials in all courts. I doubt that any serious journalist would wish to invade the privacy of rape victims or most juveniles. The goal is not to stimulate ratings or to be a Peeping Tom in the courtroom, but to show due process as it unfolds. The courtroom, watched at the trial or appellate level, can be American justice at its most inspiring.

Not every trial—not each minute of every trial—but one case a week reported comprehensively is the kind of education public television was invented to provide. Federal Appellate Court Judge Alfred T. Goodwin of Oregon, chairman of an American Bar Association committee studying broadcast coverage of the courts, has remarked, "Openness is the presumptive theory of our government . . . and today there is a good deal of evidence that trials can be covered electronically without noticeable impact on the defendant."

Long ago, when television and I were young, Chief Justice Earl Warren congratulated me on a recent appointment. I told him that I hoped to be president of CBS News when we put cameras on the face of the moon and on the floor of the Supreme Court. "Good luck," the late Chief Justice replied. "You'll have more luck with the former than with the latter."

He was right, and that's a shame. We have far more to learn in our courtrooms than on the craters of the moon.

Television is no panacea, and lagging confidence in the state courts is not going to be restored by it alone. It may indeed turn out to be a more effective teaching tool for judges, jurors, law school, college and even high school students, but it is part of a long-overdue program to demystify the courts.

What the public is telling you judges through this survey is that a trial is also a medium of communications. The American people have high expectations and demand better access to and more efficient management of our judicial system.

The fire bell that summons judges is no false alarm, for laws executed and not understood can provide only the illusion of justice. As has been said before, "Law is nothing unless close behind it stands a warm living public opinion."

Yet those among you who labor in cramped, dismal courtrooms fighting congested calendars, who are underpaid and understaffed, may despair of a public mood that can be both skeptical and ignorant. But take heart. Two hundred years ago Thomas Jefferson, who did not admire all judges, left a relevant time capsule:

> If we think the public not enlightened enough to exercise a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

Fred W. Friendly is an author and Professor of Journalism at Columbia University. This article is based on portions of a speech delivered by Mr. Friendly in 1978 before a national conference on the judiciary held in Williamsburg, Virginia. The complete text may be found in *State Courts: A Blueprint for the Future*, (Williamsburg: National Center for State Courts, 1978).

PUTTING THE PUBLIC ON THE BENCH: EDUCATION THROUGH PARTICIPATION

Shirley S. Abrahamson

I am an appellate judge. I have never had to sentence a convicted criminal.

My trial judge friends say that sentencing is one of the most difficult tasks a judge faces. My citizen friends express outrage at the sentences that are reported in newspapers and on television and radio.

I think I understand what the judges and the citizens are telling me.

Our citizens are concerned about crime. Unfortunately citizens too often evaluate the courts according to the crime rate. When citizens perceive that crime is increasing, they think that courts are at fault for not adequately punishing criminals. Citizens are apt to blame crime on the courts when they hear that "repeat" offenders—that is, ex-offenders or persons out on bail, parole, or probation—are charged with the commision of yet another crime.

Less than 20 percent of the reported crimes result in an arrest and a charge. Thus, less than 20 percent of the criminals ever get to court. Of those arrested and charged most plead guilty. This country imprisons more people than any other.

What courts do probably has little, if any, effect in significantly reducing the crime rate. Nevertheless, it is urgent that courts perform their function in the criminal justice system well. Courts can and should promptly try persons who have been arrested and charged and punish those found guilty.

In order to evaluate the present sentencing system and the proposals for reform, citizens need to view the function of the courts realistically, and for that reason I frequently speak to citizen groups on the subject of sentencing. Judges should, I believe, try to inform citizens about the courts and become informed of the citizens' concerns.

My approach is to ask the members of the audience to act as sentencing judges, on the theory that an audience enjoys participating instead of just listening, that the audience will understand the judges' function better if given the opportunity to act as judges, and that the judge can hear the citizens' view.

I start the talk by acknowledging that the audience and I—who live with my family in the community—are concerned about safety in the streets and in our homes. I stress that I, as well as they, use the streets, drive home alone at night, and have children playing in the parks and going to school. My family and I have the same police protection as they, no more, no less. My home has been burglarized. I am, as they are, concerned that we live together in a safe environment. Crime is an important question which they, Chief Justice Burger, President Reagan, and many others are addressing. After these introductory remarks, which might include a reference to a recently reported criminal trial and sentence, I say:

"The best way for you to learn about judges, courts, and sentencing is for all of you to be sentencing judges. Are you willing to serve as judges of the State of Wisconsin for the next hour?" Silence. "Without pay?" Laughter, and then a fairly enthusiastic "Why not?" and so we're off.

"We have three kinds of judges in Wisconsin—trial judges, court of appeals judges, and supreme court justices. I'm going to ask you to serve as judges on the trial court. It is the trial judge, sitting alone, who sentences the criminal. Although there is appellate review, in the vast majority of the cases the trial judge is the first and last word on the sentence to be imposed.

"All judges of the state must take the same oath, an important oath: to support the Constitution of the United States, to support the Constitution of Wisconsin, and to administer justice fairly and impartially to everyone—whether old or young, rich or poor, of one race or another, man or woman, religious or atheist. I shall ask you each to abide by that oath and to remember that for the next hour you will be wearing, at least mentally, the black robe—a symbol to yourself and to all who view you that you are a guardian of the public trust for the people of the state.

"Remember, the people have selected you to judge them, to decide their disputes—to decide, for example, whether they keep their driver's licenses or whether they go to prison. Whatever the matter, it's important to the people who have brought it before the court. And in sentencing, you the trial 'judge' will determine whether a person is free to remain in the community or is incarcerated."

For the investiture I wave my hand as a magic wand. "Poof—you are 'judges of the State of Wisconsin.' Well, 'judges,' today we're going to be sentencing criminals. First, we're going to take a short refresher course in sentencing. If you have a pencil and paper, please take them out. You might want to take a few notes. If not, don't worry. You'll do fine.

"The first thing you need to know as judges is the theory or philosophy of sentencing: What are you the sentencing judge trying to accomplish in the sentencing process? Criminologists say that sentencing has five purposes:

"One purpose is deterrence. You want to deter this person from committing another crime and you want to deter the rest of us from even considering committing a crime. A child who knows that punishment will follow a proscribed offense will not, you hope, commit the offense. If the child's sibling knows of the punishment, the sibling probably won't misbehave either. That's deterrence.

"The second goal of sentencing is incapacitation. You want to be sure that dangerous persons will be isolated and prevented from committing another crime. Prison is obviously one way of incapacitating the offender.

"A third objective is retribution. You want to punish the offender for the harm he or she has inflicted on the victim and society.

"A fourth goal of sentencing is rehabilitation. This society believes that each individual is basically good and has the capacity, with proper assistance, to be a productive citizen. One purpose of our criminal justice system is to help the wrongdoer change his or her behavior pattern and become a good citizen. Experts disagree as to whether prisons can or do perform this function.

"The fifth goal of sentencing is restitution. This goal has been recognized only in recent years. In the last twenty years or so, we have begun to use the criminal justice system, as well as the civil system, to help the victims recover their pecuniary losses from the offender.

"People differ in the interpretation of and relative weight to be given to these five objectives: deterrence, incapacitation, retribution, rehabilitation, and restitution. You as 'judges' will have to make up your own minds about the validity of these theories and their application in any given situation.

"Now, 'judges,' the next thing you have to know is that in Wisconsin the legislative, executive, and judicial branches all play a role in sentencing. You as 'judge' play an important role, but you are not all powerful. There are limitations on your judicial power.

"The legislature has set the parameters of the judge's power. For example, the legislature defines the crime of perjury and sets forth the penalty for it. The Wisconsin legislature has said that a convicted perjurer may be punished by a fine not to exceed $10,000 or by imprisonment not to exceed five years or by both fine and imprisonment. The statute thus gives the judge discretion in how to punish the perjurer. The legislature fixes a maximum, a ceiling in the sentence, but the judge can impose a lesser sentence. Suppose you, the 'trial judge', sentence the perjurer to three years' imprisonment. That's within the statutory maximum of five years. When does the perjurer get out of prison?" The audience generally snickers and derisively answers: "Six months, one year."

"Well, we don't know when the perjurer will get out of prison. We know he will be out when the three-year period ends, but we also know he may get out sooner. The legislature allows the executive branch to decide when the perjurer gets out of prison. The legislature has said that the prisoner gets credit against time in prison for 'good time' and the prisoner can be released by a parole board. The legislature has authorized the executive branch—through the Department of Health and Social Services—to parole a prisoner if the Department sees fit. The sentencing judge is notified of the possibility of parole, but the executive branch, not the judge, determines whether parole is granted before the three-year period ends.

"This system of sentencing, whereby the legislative, judicial, and executive branches share responsibility in sentencing, is called 'indeterminate sentencing.' If the citizens don't like this system, the citizens must look to the legislature to change it, not to the judge.

"Okay, 'judges,' the next thing you have to know is what tools are available to you in exercising the discretion the legislature has given you. I shall now briefly describe your tools, tools the legislature has set forth in the statutes.

"Your first tool, if the crime is a felony, is that you the 'judge' can sentence the person to state prison for one year or more, up to the maximum provided by statute. Remember, if the person goes to prison he or she may be released early by the executive branch of government. The length of sentence you the 'judge' set will, however, probably influence the release date.

"Second tool: If the crime is a misdemeanor, you the 'judge' can sentence the person to county jail for up to a year. If you do that you can authorize the prisoner to be released for work or educational purposes. If the prisoner can find a job or goes to school, he or she remains in jail outside of working or school hours. The prisoner's earnings are put into a trust account to pay for the prisoner's room and board in jail and to support the prisoner's family. Anything left in the trust account after these payments belongs to the prisoner.

"Your third tool is that you the 'judge' can impose a fine up to the maximum set by the legislature. Remember, in the case of perjury the maximum fine is $10,000. Suppose you fine the offender $3,000. Who gets the fine?" The audience may respond that it is the victim who gets the money, or the state. I say, "One thing is clear—the judge does not pocket the fine. The fine goes into the public treasury, not to the judge, not to the victim. The purpose of the fine is deterrence, retribution, and perhaps rehabilitation.

"The fourth tool is probation. You the 'judge' can give the offender probation. The offender is not put in prison but is placed under the supervision of a probation officer. The probation officer is an employee of the Department of Health and Social Services within the executive branch. You the 'judge' can set forth conditions of probation with which the offender must comply. The conditions should be reasonably related to the offense, the offender, and rehabilitation. The judge might tell the offender that he or she may not drink, must report to the probation officer once a month, and must not associate with Mr. X who got the offender into this trouble. One of the conditions of probation might be restitution to the victim. You the 'judge' might tell the offender, for example, that he or she must reimburse the victim $50 a month until the $350 damage to the car is paid. In Wisconsin, if the judge sends the offender to prison, the legislature does not authorize the judge to require restitution. A condition of probation may be that the offender be confined in county jail between hours of employment for any time period up to one year.

"Now, 'judges,' let us quickly review what we have learned about sentencing. Remember the five objectives of sentencing: deterrence, incapacitation, retribution, rehabilitation, and restitution.

"And your four tools: imprisonment, county jail with or without work release, fine, and probation with conditions.

" 'Judges,' we're almost ready to have our first offender appear for sentencing. But I want to do something else first. I'd like to talk to you confidentially. I'm going to ask you—just among us 'judges'—to rate the other judges in this state as to their sentencing practices. Do you think—remember, this is confidential—our fellow and sister judges are too harsh, too lenient, or just about right, in sentencing offenders? Please raise your hands. How many think the other judges are too harsh? Too lenient? Just about right?"

I have found that in most audiences, about two-thirds to three-fourths of the people think that the real judges are too lenient; a minority of the audience thinks the judges are just about right. Very few in the audience ever think the real judges are too harsh in their sentencing.

"Well, 'judges,' this is your chance to sentence more wisely than your brother and sister judges around the state. It's time to don the black robe and go out on the bench. You, and you alone, will decide the future of the offenders brought before you."

I set the scene: a trial courtroom, the court reporter, the lone black-robed judge ascending the bench, the audience rising to the words of the bailiff. My readers should be advised that I have selected the two cases presented here for a number of reasons. An "economic" crime is contrasted with a crime that invades the sanctity of the home; a first offender is contrasted with a multiple offender; a broken family is contrasted with an intact family; the issues of alcohol use, restitution, and the influences of societal forces are presented. You might well select better cases than the ones I use to illustrate the multitude of facets introduced in sentencing. A case involving some personal contact, such as purse-snatching or armed robbery, might be useful, or perhaps a sexual assault where the perpetrator's personal history might move some in the audience to grant probation.

"The first case called is *State v. June Smith*. The district attorney representing the state, June Smith and her lawyer approach the bench for the sentencing. Last month Ms. Smith pleaded guilty to passing a bad check. This is a misdemeanor under the statute, and the maximum punishment established by the legislature is a fine not to exceed $10,000 or imprisonment in county jail not to exceed nine months or both fine and imprisonment.

" 'Judges,' what sentence do you wish to impose on Ms. Smith?"

The "judges" are silent. I may prod them that it is their job to sentence. Then one says that he is not going to impose a sentence without knowing more than I have just said. He needs more than the general statement of the crime and the statutorily imposed maximum punishment. Several "judges" start to ask questions about Ms. Smith. I then say:

"I see that you 'judges' are unwilling to impose a sentence until you know more about the offender and the facts of the crime. You obviously think the punishment should fit the offender. Well, what do you want to know to help you decide on the sentence?"

Questions pour forth and I respond to them: How much was the check for? "It was for $101." What was brought with the check? "Clothing." How old is she? "Twenty-six." Is she married? "Yes, but she and her husband have had difficulties, and they are separated. He wants a divorce." Are there children? "Yes, three children, ages ten, four, and two." Was the clothing for the children? "Yes." What does her husband do? "He is unemployed." Does she have any prior offenses? "No, but in the last six weeks she passed twenty-four checks totaling $773. All the checks bounced. And the district attorney says that the welfare department complains that Ms. Smith accepted $320 more than she should have in welfare payments by omitting from her statement of income and assets the $45 a month the family receives from the Veterans Administration for her husband's disability."

The questions continue. How much education does she have? "High school and a six-week nurse's aide course." Does she work? "She doesn't work outside the home; she works inside the home." Is she willing to work outside the home? "Yes, but even if she can get a job and get good child care for the children, the minimum wage she might make would barely cover child care and transportation expenses." How is her health? "She has high blood pressure, a heart murmur and is very overweight." What about her family? "Her parents are hard-working people and have had not trouble with the law. Her siblings are good citizens."

One "judge" asks if Ms. Smith has an explanation for passing these checks. I explain, "Ms. Smith says that her husband persuaded her to open a checking account with a $25 deposit. She had never had a checking account before. She went to the bank, gave the woman at the bank $25, and the woman gave her twenty-five checks with her name instantly printed on them. No one explained how the checkbook worked. She thought she could write out twenty-five checks and that she could repay the bank the total sum of the checks on an installment basis. She used the checks for rent, food, clothing, and other necessities for herself and the children. She would like to repay them."

Some "judges" express serious doubt as to Ms. Smith's veracity. They say she must have learned about checking accounts in high school. I ask them if they really know what is being taught in their schools, and I say, "In my unscientific survey across the state I have found that high schools generally do not cover this subject of personal finances and checking accounts, at least not in a required course. I have also found that very few parents have ever explained checking accounts to their high school age children or have allowed the children to have accounts." I then explain where I got the information about Ms. Smith.

"The case I have given you is substantially similar to a case heard by a Wisconsin judge. Ms. Smith, her attorney, and the district attorney can address the trial court and discuss her background and make recommendations to the court. The trial judge can ask Ms. Smith questions. And frequently the trial judge will have a pre-sentence report on the offender that contains this kind of information. The report has been prepared by an employee of the Division of Corrections of the Wisconsin Department of Health and Social Services."

I try to end the discussion by noting that the "judges" have other cases waiting and that justice delayed is justice denied. A person who has heard me speak before reminds me that I also say that justice rushed is justice crushed.

Some "judges" think the husband should be punished, not Ms. Smith, because he appears to have instigated the offense.

"Ah," I say, "but the judge can sentence only those who have been charged, tried, and convicted, not other persons who may be 'morally' guilty."

Other "judges" think the bank ought to be penalized for allowing someone to open a checking account without being sure the person can make deposits and handle the account properly. Finally, someone wants to know who would take care of the children if Ms. Smith were jailed.

"The county department of social services would make arrangements," I say. "Maybe the children would be placed in a foster home or maybe a family member could take the children. In this case the foster home seems likely."

One "judge" wants to know what sentence most real judges would impose under like circumstances. I remind the "judge":

"When you sought the appointment or the votes of the citizens you said you were qualified and competent to act as a judge. Now, here you are, and you must act. The legislature gave you the discretion. You are accountable to the citizens. I am sympathetic with your feelings of inadequacy, but the judges in our state do not have 'guidelines' to aid them. They do not have the benefit of the other judges' experiences."

One person asks about courses for judges. I acknowledge the importance of judicial education and explain that continuing education is required for judges in Wisconsin. I explain:

"There are judicial education programs, including sentencing clinics, similar to the sentencing exercise we are doing now, to help educate trial judges. Unfortunately, the sentencing program that you are going to attend is one month from now—too late to help you today."

And so I ask the "judges" to indicate what sentence they would impose by raising their hands. I explain that first I shall ask them to decide between county jail and probation; then I shall ask them to impose the length of the jail term or the conditions of probation. I remind them that under the Wisconsin statutes the maximum jail sentence is nine months, and the maximum probation is two years. I ask them to raise their hands as I go through the options. In most audiences in which I have used this example a few people give county jail—from one night to nine months—and the vast majority choose probation. No one thinks a fine should be imposed. After all, they all recognize that Ms. Smith is indigent.

I then ask the "judges" for suggestions as to conditions of probation. The suggestions come forth: Ms. Smith should take a course in personal finances and budgeting; she should close her checking account; she should get a job; she should repay the bad checks. How much restitution should she make, I ask. Many "judges" favor 100 percent, which here might total as much as $1,125—if she pleaded to all possible charges. How long does she have to repay the money, I ask. Forever, the "judges" say. I explain that under Wisconsin law she must repay the sum by the end of the probation period or be in violation of the condition of probation and subject to being jailed. The "judges" don't think she can repay $1,125 in two years in view of her limited job skills and heavy expenses. They think she should repay the bad checks with her earnings, not from welfare payments. They know that welfare funds come from their taxes, and their tax money should not make the merchants whole. The "judges" do not think she should be put in jail just because she's too poor or unskilled to make restitution. They do think, however, that she ought to pay something to teach her that "crime doesn't pay" and that society holds her responsible for her acts.

I tell the "judges" it is time to call the next case. But first they want to know what sentence the real judge imposed. I reveal the sentence.

"The judge who sentenced Ms. Smith gave her two years' probation and restitution. From the paper I have I do not know how much restitution was required or whether there were other conditions. If we had a sentencing clinic today comprised of real judges, my guess is that they would probably divide along the same lines as you 'judges' did."

The bailiff calls the next case: *State v. John Jones*. I fill in the "judges" about Mr. Jones, who has pleaded guilty to burglary. He entered a private residence with the intent to steal. No one was in the house at the time. He did not have a weapon. In Wisconsin, this is a Class C felony punishable by a fine not to exceed $10,000 or imprisonment not to exceed ten years, or both.

The "judges" appear more provoked by Mr. Jones's case than they were by Ms. Smith's, but they are unwilling to pronounce sentence until they know more about him. Time is moving by, and I explain that I will tell them about Mr. Jones without their questions. I "read" from the presentence investigation report that he had run-ins with the law in California as a juvenile and youthful offender and had two offenses, robbery and burglary, as an adult. He was in prison in California and was on parole when he violated a condition of parole by leaving California and coming to Wisconsin. He has a dishonorable discharge from the army.

The bright spot in his life in his family, a wife and three sons, ages fourteen, twelve, and ten. He is thirty-eight years old and works as a deliveryman for a retail company in town, supports his family, and is good to the three boys. His last offense in California was five years ago. He hasn't had a run-in with the law since then. Recently he began drinking again, needed money, and burglarized a house. His wife pleads for mercy. She thinks if he's put on probation and can stay in the community and at home he has a better chance of going straight than if he goes to prison.

I ask the "judges" to sentence Mr. Jones. First, they should decide between prison and probation, and then on the length of the prison term or the conditions of probation. Again, I ask them to vote by raising their hands as I set forth the options. Generally about 75 to 80 percent of the "judges" vote for prison and the rest for probation. In a recent audience, the split was fifty-fifty between probation and prison. In calling for the number of years in prison I begin at the maximum of ten and go down to one. A few hands go up for each year. In my experience, the majority raise their hands at three, four, five, and six years.

I then ask the "judges" who would put the offender on probation to specify the conditions of probation. The answers include county jail with work release, no drinking, participation in a program for alcoholics, getting a job, restitution for damage to the house if any or for the stolen goods. I tell them that the real judge in a similar case sentenced the offender to prison for five years.

It is time to wind up the session, and so I conclude:

"I am sure you 'judges' will agree that, considering the size of this group and the possible range of sentence, from probation to ten years, there is a surprising unanimity in your sentencing decision. You were really close to each other in how you sentenced the offender. But I hasten to point out to you 'judges' that from the offender's point of view, the difference between three years in prison and four years in prison is significant. To a Mr. Jones in Dane County who is sentenced to four years when a similar Mr. Jones in Rock County is sentenced to three years for committing essentially the same crime, the system appears to be unfair. Our indeterminate sentencing procedure, which allows flexibility and fitting the punishment to the offender, results in different sentences across the state for similar people. This disparity makes the system seem unfair and arbitrary to citizens and offenders alike. Consequently, some legislators and citizens are advocating a return to 'flat-time' laws. For example, the legislature would establish the same sentence for all perjurers—five years.

"Our past experiences with flat-time law indicates that a legislatively imposed flat-time sentencing structure does not reduce discretion in sentencing and disparity but merely shifts discretionary power from the judges, the open court, and the parole board to the prosecutors and the juries. Where unduly harsh penalties are imposed by statute for a particular crime, prosecutors have been known to charge a lesser crime, and if the greater offense is charged by the prosecutors, juries have a tendency to return guilty verdicts for a lesser offense. Prosecutors and jurors apparently act in a way they think is fair for that particular offender. Remember, you were unwilling to impose a penalty until you could learn about the offender.

"What can be done to keep the good aspects of indeterminate sentencing and correct some of the problems of this kind of sentencing system? Wisconsin and other states have been experimenting with a system of 'guideline sentences' for particular offenses and offenders. Judges would be given charts that show the sentence other judges generally impose for certain crimes (for example, sexual assault) commited by persons with certain characteristics (for example, the first offender). Maybe this technique will work.

" 'Judges,' I must tell you that I have attempted to influence your sentencing by interjecting what I consider an improper consideration. Do any of you know what I am referring to?"

The audience generally responds by referring to factors that influenced them, such as Jones's prior convictions or Smith's young children. I reply that this kind of information is not improper to consider in sentencing. They should consider such things.

"Let me remind you that earlier I asked you whether real judges were too harsh, too lenient, or just right in their sentencing. Most of you replied that the real judges were too lenient. In asking this question I hoped to influence you to be tough, harsh judges and to be swayed by the thought that the citizens—your neighbors and friends sitting next to you—might think ill of you unless you imposed harsh sentences. I wanted you to think of how your sentence might sound on radio or television or in the newspaper. Such considerations are improper. The judge is to consider the facts and the law; the judge is to consider the individual offender and the public interest. But the judge is not to think, in imposing a sentence, 'I want to be harsh.' The judge should not impose a sentence to gain favorable public opinion or favorable press. The judge strives to impose sentences that are reasonable. As judges you should do the best you can, knowing that although you must sentence, you cannot predict with certainty the offender's future conduct. You use your best judgment to protect the public.

"I enjoyed serving with you 'judges' today. I can tell by your sentencing decisions and your discussion that you were not influenced by improper considerations. I do not think you sentenced by applying labels to your decision—liberal or conservative; tough or lenient; popular or unpopular. You were guided by principles and policies set forth in the laws, not personal predilections. You tried to be reasonable and fair. That is what we can and should expect from all our judges. You lived up to these expectations, and I enjoyed serving with you.

"Although you are good 'judges,' unfortunately your term must end." I wave my hand and say, "Poof—you are no longer 'judges.' "

I am prepared to sit down, but they want to talk about a variety of topics, including capital punishment, plea bargaining, the percentage of crimes reported to the police, the percentage of crimes "solved," police discretion, prosecutorial discretion, prison conditions, juvenile offenders, and on and on. I discuss as many of these topics as time permits and suggest that the group schedule a series of programs on the criminal justice system—and they generally do.

Justice Shirley S. Abrahamson sits on the Wisconsin Supreme Court. This article first appeared in the Spring 1983 issue of *Judges' Journal* and is reprinted by permission.

REACHING OUT TO THE PUBLIC: DON'T OVERLOOK POLLING AND TEACHING

Nat H. Hentel

Judges should accept at the outset that the public is not in love with the courts and those who run them. This low esteem is caused by a woeful lack of public information about court operations. As judges, we must improve court-community relations by building public confidence based upon true knowledge rather than hearsay myth.

But how can we discover what the public really thinks about judges, whether rightly or wrongly, and about our individual courts? We need to know the illness before we can cure it. Probably the best tool for discovering public attitudes is polling—the kind of poll each of us can easily arrange, conduct, and analyze ourselves without appreciable cost.

There are two sources from which raw data can be gathered. First, from the millions of jurors who are exposed each year to the court system. And second, from the general public which has little or no court exposure (except occasionally in the lower courts: traffic, misdeameanor, small claims). Accordingly, there are two different polling methods.

Jurors are exposed to court processes on a very limited basis—a day, a week, two weeks at a time. This exposure is admittedly more than the average citizen's. But, to quote a 1981 Survey by the Criminal Courts Technical Assistance Project, "The more people know about courts, the less confidence they have in them." From past polling of jurors, we know that their biggest gripe is that no one ever tells them what is going on during the interminable periods before or after jury selection, or even during the actual trial.

It is helpful to poll jurors. A brief, well-organized questionnaire furnished to each juror will reveal their attitudes toward the court experience. It can be answered upon the completion of jury service and deposited with the jury clerk or commissioner.

Beyond its value in gathering information, the questionnaire is worth its weight in favorable public relations. Jurors react strongly when they are given an opportunity to voice their opinions and when they are treated as "judges" in partnership with the courts—which indeed they are. Jurors are pleased and flattered to know that they have input via a questionnaire as to their attitudes and criticisms, and they feel more a part of the system. Furthermore, we learn a great deal from their reactions to the court's physical plant and facilities, and to the conduct and decorum of court personnel, attorneys, and judges. In addition, we can discover how well jurors understand their role, the court's role, the role of the attorneys, and even the court's charges on the law. Keep in mind that the jurors in each community become either goodwill ambassadors for the courts they serve in, or ill-tempered, frustrated critics.

Some of the questions asked of jurors upon completion of their service should be:

1. Were your services as a juror used adequately?

2. Would you be willing to serve on a jury again under conditions similar to those you have just experienced?
3. Overall, was your jury service pleasant?
4. Which of the following did you find most difficult during your jury service:
   - Waiting in the main jury assembly room?
   - Being questioned by attorneys as to your qualifications to serve as a juror on a particular case?
   - Waiting in the courtroom for a case to begin?
   - Waiting during the recess periods of a trial?
5. What administrative procedures could be changed or improved to make your service more pleasant?
6. What information should have been sent to you before your first reporting date for jury service?
7. What information should have been presented to you at the first morning's orientation?
8. Could you comment on the main jury assembly room setup: facilities, variety of magazines, suggested time-passers, etc.?

Let's turn to polling the local public. How can we effectively probe the general public's mind without extensive cost? Let me suggest a way that I have used. Having taught courses on court-community-media relations for more than a decade at the National Judicial College in Reno, Nevada, I thought there would be general public interest in similar courses geared to the layman. Thus, I instituted a course entitled "Courts and the Community – A New Partnership for Improved Justice!" Now in its ninth year as part of the Adult Collegiate Education Program of Queens College, City University of New York, the course is for baccalaureate degree credit and is probably the only one of its kind taught in America. It is well-received by court officials, college authorities, and students.

The first task required of the course's participants is to poll the public about its attitudes toward courts and judges. This task sensitizes them to judicial problems, and helps them recognize the myths or facts behind public attitudes. Each student is furnished with copies of a detailed six-page questionnaire, which must first be completed in class. He or she then interviews at least a dozen people at their residence or business. Each course survey thus covers approximately 500 adults living or working in the vicinity of Queens College.

Of course, polling is only one of many activities in the course. Before going into the rationale for the course and noting what it covers, let me give you some background information. I've been teaching the 15-session course since 1975. It is offered every other semester on Thursday evenings from 7:00 to 10:00 P.M. The students are all adults, ranging in age from 20 to more than 80. A few take it as preparation for law school, but many take it simply because they're interested in law and the courts. College rules hold the enrollment to 40, but the class is offered in a large lecture hall, and I stress that guests are welcome.

What do I try to accomplish in the course? The objectives are seven-fold:

1. Review the constitutional mission of courts in our democratic society.
2. Inform participants of the current status of New York's court organization, its level of efficiency, and its capability of fulfilling its mission.
3. Survey the "loss of public confidence" phenomenon in the justice system, and diagnose the reasons for judicial shortcomings and concomitant loss of public respect.
4. Identify areas requiring court reform, system improvement and specific remedies.
5. Prepare participants to take the lead in organizing community involvement in the administration of justice.
6. Create broader public understanding of court problems, functions, and goals, as well as familiarity with communication methods required to restore public confidence in the courts.
7. Develop innovative and imaginative court-community relations programs for actual use in the community.

Fifteen topics highlight the course and lead to classroom discussions, lectures and panel workshops. They include:

- Course introduction: The status of public confidence in the judicial process and the courts today.
- Court Structure: Fragmented and inefficient.
- Failings of courts and judges: Views from outside and inside the system.
- Bar, public and judicial polls: A tool for judicial improvement.
- Class field project: Sampling public attitudes towards courts and judges in Queens County.
- Problems of jury selection, orientation and management.
- Sentencing: A major and sensitive area of public concern.
- Classic struggle: Free press versus fair trial.
- Creating improved understanding of judicial and legal ethics.
- Minority problems in the courts and judicial sensitivity.
- Improving the selection of judges: Will this develop greater public confidence and respect for the courts?
- "Riding herd" on judges and lawyers.

- Developing community and school educational programs to foster greater respect for law and confidence in the courts.
- Motivating greater citizen concern, adherence to law, and involvement in the justice system.
- Developing a model community relations program for courts.

Each member of the class is given a five-page bibliography on courts and law-related subjects as suggested texts and optional readings.

I make frequent use of guest lecturers, including people from the District Attorney's office, parole officers, probation officers, judges at all levels, defense counsel, legal aid attorneys, reporters and other media people, and laypeople trying to improve the courts, including people from the League of Women Voters, the American Judicature Society, and the Fund for Modern Courts.

As I noted earlier, the course is a variation of one that I have offered at the National Judicial College, but the crucial difference is that it is offered from the perspective of the layperson rather than the judge. Its ultimate goal is to stress the citizen's role and responsibilities in the justice system.

I recommend that every judge, where feasible, visit with the chief administrators of local colleges and other schools with adult collegiate education programs. Let it be known that a judge is willing to teach a course on "Courts and the Community—A New Partnership for Improved Justice." In the American Bar Association's 1977 Planning Guide & Program Manual for the celebration of Law Day-USA, the course at Queens College was singled out as "well worth doing to increase public understanding of the function of courts." It is a start in the right direction.

If teaching such a course is not feasible, then I suggest that judges approach those in charge of the government departments of local colleges or the deans of local law schools. Sell the idea of using their students to perform attitude surveys on the courts as a public service or for college credit. It will certainly educate student pollsters on the problems of their local courts, and it will result in greater public understanding. It costs nothing! It represents our way of conducting a continuing poll of the public. Further, judges should be able to interest local newspapers or magazines in writing feature stories and editorializing on the survey results.

Depending upon the results of such polling, the courts can work with state or local bars to form committees on courts and the community. Membership can include judges, lawyers, and prominent citizens. Such committees have proven invaluable in developing greater public understanding and in planning public relations programs for the courts.

Such programs should seek to:

- Create machinery for responding rapidly to unwarranted court criticism;

- Create innovative "Law Day-USA" and other public programs;
- Sponsor judicial speakers' bureaus for civic and community groups and for guided court visits;
- Institute local "Fair Trial-Free Press" conferences and seminars;
- Develop public sentencing conferences to enlighten the public and crime victims on sentencing procedures and problems;
- Institute instructional programs for young people, such as juvenile juries;
- Improve juror facilities, parking, identification, scheduling, orientation and other juror procedures (a film plus a readable juror instructional manual should be available);
- Collect press clippings to gauge public opinion;
- Prepare informative and readable annual court reports showing goals, achievements and shortcomings;
- Establish local boards of lay visitors to the courts and liaisons to the communities;
- Improve and modernize court facilities, including repair and maintenance;
- Encourage "Court-Watcher" projects sponsored by the courts and by interested community groups such as the League of Women Voters;
- Establish, with the cooperation of the print and broadcast media, regular court features ("Know Your Courts and Judges"); and
- Establish annual local media awards to encourage quality reporting.

My purpose in this article is to sound the alarm amongst my judicial brethren. The public thinks judges are aloof creatures, withdrawn from public life, berobed and sacrosanct, the true "untouchables" of our society. But from the mouthwash advertisements of an earlier generation, we should learn that "even your best friend won't tell you when you have bad breath."

A judge might believe that there is nothing wrong with his or her court. But as a recent brochure from the Institute for Court Management and the American Judicature Society said: 'It is as important to inform the public that courts are responsive to community needs as it is to actually make improvements." In my opinion, judges should make every effort to ferret out public perceptions—whether those perceptions are right or preposterous. They should meet the public's concerns head-on in their speeches. And they should actively sponsor lively, imaginative community relations activities. It is the best way to cure the malaise that has befallen our profession.

Nat H. Hentel is a Judge of the Civil Court of the City of New York. Readers interested in obtaining a copy of the questionnaire used to poll jurors or the general public, or desiring additional information about the courts-and-community course, should write to the author at The Civil Court of the City of New York, 120-55 Queens Boulevard, Kew Gardens, New York 11424. A slightly different version of this article appeared in the Spring 1982 *Judges' Journal.*

MEDIA JUSTICE

James J. Richards

In my regular job, I am a superior court judge in Hammond, Indiana, but every Friday for 25 minutes beginning at 8:05 A.M. I answer questions on a radio talk show about our courts and system of justice. The program has generated a considerable amount of enthusiasm, and is something that other judges and lawyers can do in their communities.

I am on the radio because it is one means—there are many others—of helping the public understand our legal processes. I hope that my efforts in some small way will help counteract what the 1978 Yankelovich survey found and what many of us in the court system have long suspected: namely, that the public holds our courts in low esteem yet knows little about them. The radio show requires no special grants or money, only time and effort.

I became involved in this endeavor quite by chance when, in 1976, I met Irv Lewin, host of a radio talk show on WJOB, a Hammond station. I first appeared as a guest on his program to discuss the proposed new Penal Code for Indiana—then scheduled to become effective in October 1977—and compared the new code with existing law. From the public response to that program, the station's owner concluded that there was considerable interest in broadcasts of this sort. He suggested that a 25-minute segment of the daily show be set aside for a discussion of our courts and laws—involving both local and national issues—with Mr. Lewin as the questioner and myself as the respondent.

The station's listening area includes all of Lake County, Indiana, with a population of about 600,000, as well as the adjacent southern part of Cook County, Illinois, with a population of some 1.5 million. The early morning time slot is particularly coveted in the radio world, since it reaches motorists going to work.

The format of the program is simple. I give a short presentation on a given topic, and Mr. Lewin interviews me about it. I also help set up interviews with other people, and occasionally sit in on these as well.

While listeners are not permitted to call in and ask questions during the broadcast, they are urged to send written questions or remarks to the station. These are considered for discussion in future programs.

Current U. S. Supreme Court decisions have been the source of many programs. The Court's decision in *Chandler v. Florida*, which approved the use of televised trials, provoked a discussion of the pros and cons of the decision and an explanation of why television trials were not yet permitted in Indiana. *Gannett v. DePasquale*, which permitted a trial judge to close a *pretrial* hearing, was of particular interest to Mr. Lewin and the radio station's news bureau, because of the possibility that the courts might close a trial as well. Several programs were devoted to this subject, and when the Supreme Court decided the *Richmond Newspaper* case, holding that *trials* should not be closed, we discussed that as well.

Other topics included a lively discussion under Mr. Lewin's able questioning of the pros and cons of the exclusionary rule. Judges on this program generally agreed that rulings required by the exclusionary rule constitute one of the public's main sources of dissatisfaction with the courts.

In 1978, I arranged to take Mr. Lewin on a tour of the Indiana State Prison at Michigan City, resulting in several programs on the problems confronting prisons all over the country. Warden Jack Duckworth appeared on a later show to discuss these problems first-hand.

A 1979 program discussed a new Indiana statute that allows a person to establish his date of birth without a lawyer. The law simply requires that a person complete a form provided by the court clerk and present it before a court. This led to a rush on the clerk's offices by people carrying family Bibles and presenting baptismal certificates in order to establish their birthdates to qualify for Social Security. (There appears to have been a doctor in the county who neglected to file birth certificates from 1916 to 1922.)

During the five years that the program has been broadcast, people from all sections of the Lake County court system have participated. This includes judges from the criminal, civil, and juvenile divisions of the superior court, and limited jurisdiction judges, who have discussed their duties under Indiana statutes. Probation officers, public defenders, prosecutors, legal aid attorneys, court administrators, probate commissioners, juvenile referees, baliffs, and law enforcement officers have appeared from time to time to outline their duties and to tell how they fit into the overall court system.

These radio presentations also have included justices of the Indiana Supreme Court and the intermediate court of appeals, who have explained the appellate process in Indiana. We have discussed efforts to shorten the time for appellate review and ways to reduce costs.

The proximity of Lake County, Indiana, to Chicago has enabled the radio station to tap many of the nation's top legal experts. The program's participants have included: Judge Ernst John Watts, dean of the National Judicial College, who discussed the judicial education programs now available for judges; James Swain, director of the Adjudication Division of the Law Enforcement Assistance Administration, who outlined the administration's work; and Joe Trotter, director of the Institute of Advanced Studies in Justice at American University in Washington, D.C., who discussed technical assistance projects being carried out to improve the operation of courts in many areas of the country. Wantland Sandel, director of the American Bar Association's Judicial Service Activities, has appeared after each ABA annual and midyear meeting to discuss resolutions adopted by ABA's policy-making House of Delegates.

All participants on the program are asked to prepare themselves on a particular topic before appearing on the program. The host, however, is not always aware of what this topic will be, unless he has requested that a specific timely subject be discussed. The judges who appear on the program, of course, will not discuss a pending case in their own court or that of a colleague, except to describe court procedures. The host will often, on his own, question a guest concerning a matter which may be before the courts in our neighboring city of Chicago. More often than not, such questions generate a very lively discussion.

Shows like this can be established in every community. An even greater possibility for court-public communication is on the horizon with the growth of cable television. The Federal Communications Commission has required cable systems to provide free-access channels for educational, municipal, and public use in all systems with 3500 or more subscribers. Many local government officials, excited by this idea, have designed their ordinances to encourage the use of local-access channels.

Leon Segan, a New York City attorney and a member of the Courts and the Community Committee of the JAD's Lawyers Conference, is seeking funding to develop a "Model Cable TV Package" to educate the community about our judicial system. This would be available free of charge to any cable television local-access channel in the United States.

Judges need not sit back and rely on the schools to teach about our judicial system. Dean Watts of the National Judicial College begins every new session by warning the participants that the public's impression of the judicial system can be summed up as follows: "it takes too long, it costs too much, and it's never done." To improve the public's perception of the courts, I humbly suggest that judges themselves and others involved in administering our system of justice explain our court system. Every community has a radio station that would be amenable, upon the proper approach, to broadcasting similar programs. You have but to inquire and offer to present these programs.

James J. Richards is a Judge of the Superior Court in Hammond, Indiana, and is Chairman of the ABA's Judicial Administration Division. A slightly different version of this article appeared in the Spring 1982 issue of *Judges' Journal*.

JURY EDUCATION: REACHING MILLIONS OF PEOPLE A YEAR

G. Thomas Munsterman and Judith A. Hawes

While citizens have for centuries given freely of their time to serve as jurors, only recently have courts recognized that jury duty presents an immense opportunity to educate the citizenry. In the United States, about three million citizens serve each year in 3,000 courts. In the past, some courts viewed jury duty primarily as a political opportunity to campaign before a captive audience. Fortunately, campaign efforts in the courthouse have been all but eliminated. The courts now realize that if citizens are impressed with the jury system and their treatment as jurors, this positive experience will influence their thinking about courts more than cheerleading from judges, clerks, or other court officials.

The discovery that jury service can be an opportunity to educate the public is difficult to trace, but certainly it is one product of the jury reform that has occurred during the last 20 years. Since the 1960s, jurors are no longer hand-picked by jury commissioners but are randomly drawn from the voters list to assure a broad cross-section of the community. The statutes that previously exempted large numbers of well-educated persons simply because of their occupation have been eliminated in about half of the states. The trend of reducing the number of days that a person must serve has resulted in involving far more people as jurors. One day/one trial systems and other new jury management concepts have increased participation and reduced the burden of jury service in hundreds of courts. In 1983, the American Bar Association's House of Delegates helped promote uniformly good jury systems by adopting national *Standards Relating to Juror Use and Management*. Many of these standards stress the importance of solid juror education throughout jury service.

While citizens are on jury duty, they should spend their time in *voir dire*—the system for questioning potential jurors to assure impartiality—

and serving in a trial. When a person participates in *voir dire* or is selected to serve on a trial, the negative aspects of jury duty—the waiting, the inconvenience and the boredom—can be overcome by the positive experience of participating in the administration of justice. Despite frequently heard complaints about jury duty, studies of juror attitudes have shown that citizens have a more favorable attitude towards jury duty *after* they have served than before.

Juror education can make the experience even more rewarding. Most citizens don't understand how the jury system operates; other functions of the court system are even more of a mystery. Through jury duty, citizens can learn the basic principles of our legal system and actually see the courts in action. Jury duty gives courts a marvelous opportunity to reach citizens who would otherwise never come to the courthouse.

In this article, jury education is divided into two stages. First, we'll examine the pre-service information on jury duty sent by the court, then we'll look at the information provided prospective jurors once they have reported to the courthouse for jury duty. For both periods, we'll highlight materials developed by courts all over the country.

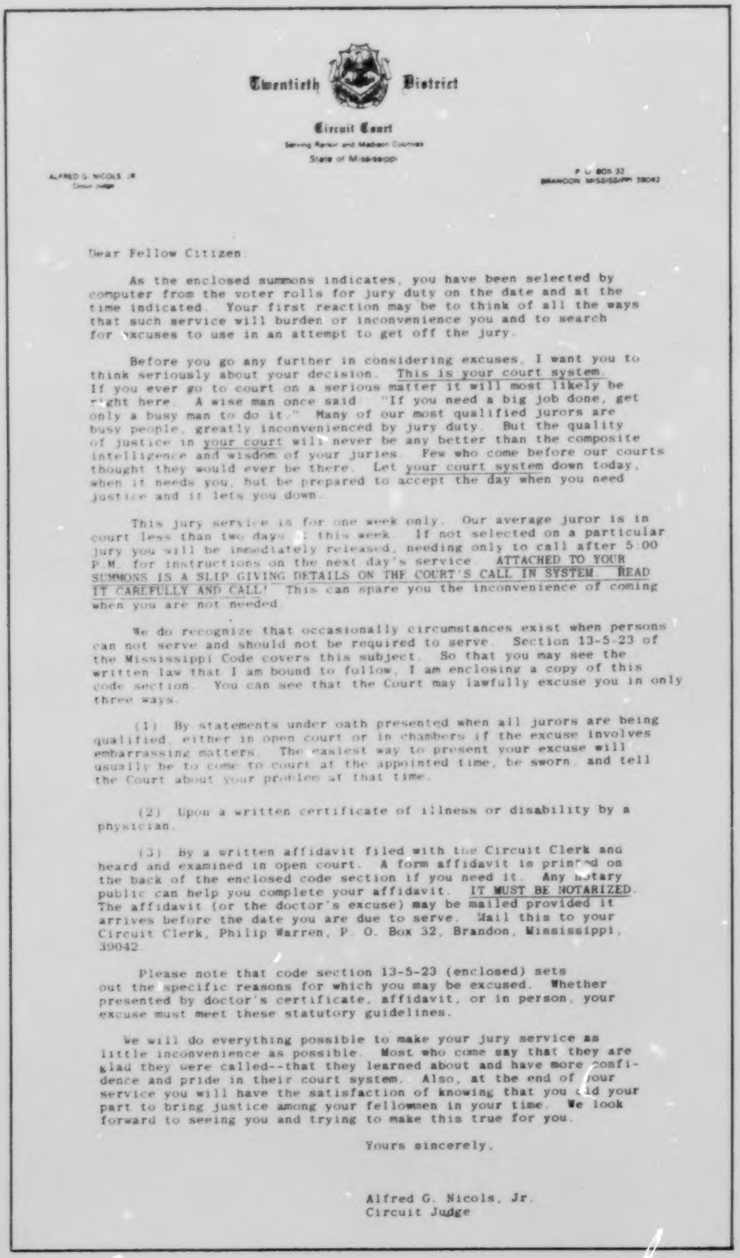
Pre-service Jury Education

Pre-service jury education tries to lessen citizens' anxiety when they receive a legal document summoning them to jury duty. Through the jury summons, prospective jurors learn that they have been selected for jury duty and that they are required to appear for duty on a specified date.

The modern summons is a small computerized or readily prepared form that contains preliminary information about what to expect during jury service. The formidable language on old summons that threatened punishment if the prospective juror did not report as instructed has been replaced with simple and clear language setting forth the information the prospective juror needs. As former Judge David Strawn has said, "the first piece of paper [juror summons] received by the citizen is an invitation to serve." As such, the juror summons contains such basic information as when and where to report, directions for getting there, length of service, and availability of parking.

Preferring an individualized approach, Judge Alfred Nichols, Jr. of Rankin County, Mississippi, writes a letter (see insert) to each prospective juror. He reports that since he began sending the letter with the summons, the number of prospective jurors who actually serve has risen from 30 to 45 percent. Judge Nichols also says that he is "seeing more well-educated, busy people on juries."

As many as 80 percent of the people reporting for jury duty have never served before. The rest have probably served on jury duty only once or twice. To help orient these people, some courts send handbooks to



Twentieth District

Circuit Court
Serving Rankin and Madison Counties
State of Mississippi

ALFRED G. NICOLS, JR
Circuit Judge

P. O. BOX 32
BRANDON, MISSISSIPPI 39042

Dear Fellow Citizen:

As the enclosed summons indicates, you have been selected by computer from the voter rolls for jury duty on the date and at the time indicated. Your first reaction may be to think of all the ways that such service will burden or inconvenience you and to search for excuses to use in an attempt to get off the jury.

Before you go any further in considering excuses, I want you to think seriously about your decision. This is your court system. If you ever go to court on a serious matter it will most likely be right here. A wise man once said: "If you need a big job done, get only a busy man to do it." Many of our most qualified jurors are busy people, greatly inconvenienced by jury duty. But the quality of justice in your court will never be any better than the composite intelligence and wisdom of your juries. Few who come before our courts thought they would ever be there. Let your court system down today, when it needs you, but be prepared to accept the day when you need justice and it lets you down.

This jury service is for one week only. Our average juror is in court less than two days of this week. If not selected on a particular jury you will be immediately released, needing only to call after 5:00 P.M. for instructions on the next day's service. ATTACHED TO YOUR SUMMONS IS A SLIP GIVING DETAILS ON THE COURT'S CALL IN SYSTEM. READ IT CAREFULLY AND CALL! This can spare you the inconvenience of coming when you are not needed.

We do recognize that occasionally circumstances exist when persons can not serve and should not be required to serve. Section 13-5-23 of the Mississippi Code covers this subject. So that you may see the written law that I am bound to follow, I am enclosing a copy of this code section. You can see that the Court may lawfully excuse you in only three ways.

(1) By statements under oath presented when all jurors are being qualified, either in open court or in chambers if the excuse involves embarrassing matters. The easiest way to present your excuse will usually be to come to court at the appointed time, be sworn, and tell the Court about your problem at that time.

(2) Upon a written certificate of illness or disability by a physician.

(3) By a written affidavit filed with the Circuit Clerk and heard and examined in open court. A form affidavit is printed on the back of the enclosed code section if you need it. Any notary public can help you complete your affidavit. IT MUST BE NOTARIZED. The affidavit (or the doctor's excuse) may be mailed provided it arrives before the date you are due to serve. Mail this to your Circuit Clerk, Philip Warren, P. O. Box 32, Brandon, Mississippi, 39042.

Please note that code section 13-5-23 (enclosed) sets out the specific reasons for which you may be excused. Whether presented by doctor's certificate, affidavit, or in person, your excuse must meet these statutory guidelines.

We will do everything possible to make your jury service as little inconvenience as possible. Most who come say that they are glad they were called--that they learned about and have more confidence and pride in their court system. Also, at the end of your service you will have the satisfaction of knowing that you did your part to bring justice among your fellowmen in your time. We look forward to seeing you and trying to make this true for you.

Yours sincerely,

Alfred G. Nicols, Jr.
Circuit Judge

summoned jurors before the reporting date or distribute the books on the first day of service. Juror handbooks contain general information on how the jury system operates, how trials are conducted, and the role of jurors.

Although variations of juror handbooks are many—in size they range from 2 to 38 pages—a survey by the Center for Jury Studies showed that nearly all discussed the conduct expected of jurors while serving. Unfortunately, many juror handbooks overwhelm the reader with lengthy explanations of legal principles that should be addressed only by a judge when prospective jurors are in a courtroom. On the other hand, the question-and-answer format in many juror handbooks is effective in presenting less technical information. The prospective juror's immediate concerns are often answered first. They include what the juror should wear, how to be reached if there is an emergency at home, whether to bring a lunch, where to park, and whether there are long waiting periods. A series of questions on trial procedures and jury deliberation can help prepare prospective jurors for the experience.

In Hawaii, the judiciary has developed a series of pamphlets on jury service. The first three pamphlets listed below are sent prior to the reporting date. The fourth pamphlet is distributed to prospective jurors on their first day.

- Hawaii Law Regarding Jurors
- When and Where to Report
- Responsibilities and Duties
- How a Jury Trial is Conducted

In the Circuit Court in Montgomery County, Maryland, a multicolored pamphlet explains the one day/one trial term of service and how it compares to "the old way," a two-week term of service. A question-and-answer format presents information on the juror selection sysem and other important areas.

In Middlesex County, Massachusetts, the court sends a juror handbook to prospective jurors that fits inside a regular envelope. The handbook is sent two weeks prior to the juror's reporting date and serves as a reminder, since the appearance date is printed on the mailing label. In the Santa Clara Superior Court in San Jose, California, the summons is the preamble to the juror handbook.

Many of the questions in these handbooks were initially raised by jurors in the juror exit questionnaire or in interviews with jurors after their service. As additional unanswered questions are raised, they are added to or consolidated with the juror handbook list.

Recognizing that when citizens receive a summons they are immediately concerned with personal problems that may prevent them from serving on jury duty, some courts now provide a pre-recorded telephone message that is available 24 hours. The recording repeats the information presented in the summons. The courts that use the information line feel that distraught citizens are more likely to listen and retain the information if they have an opportunity to first read it and then listen to the information as many times as they like.

The Middlesex County court was the first to introduce a recording. They believe the information line is essential to the success of their one day/one trial program begun in 1980. The jury information line answers hundreds of routine and repetitive questions about the new system that would otherwise consume the staff time needed to manage the system. The recording tells callers that under the one day/one trial system their obligation is to report for one day of service. If they are selected to serve on a trial, they must serve the duration of the trial. If not selected for trial that day, they have fulfilled their jury duty and are free to go. The recording also explains that everyone has the right to one postponement of jury service, employers are required by law to pay jurors while they are on jury duty, and no one is excused from jury duty because of occupation.

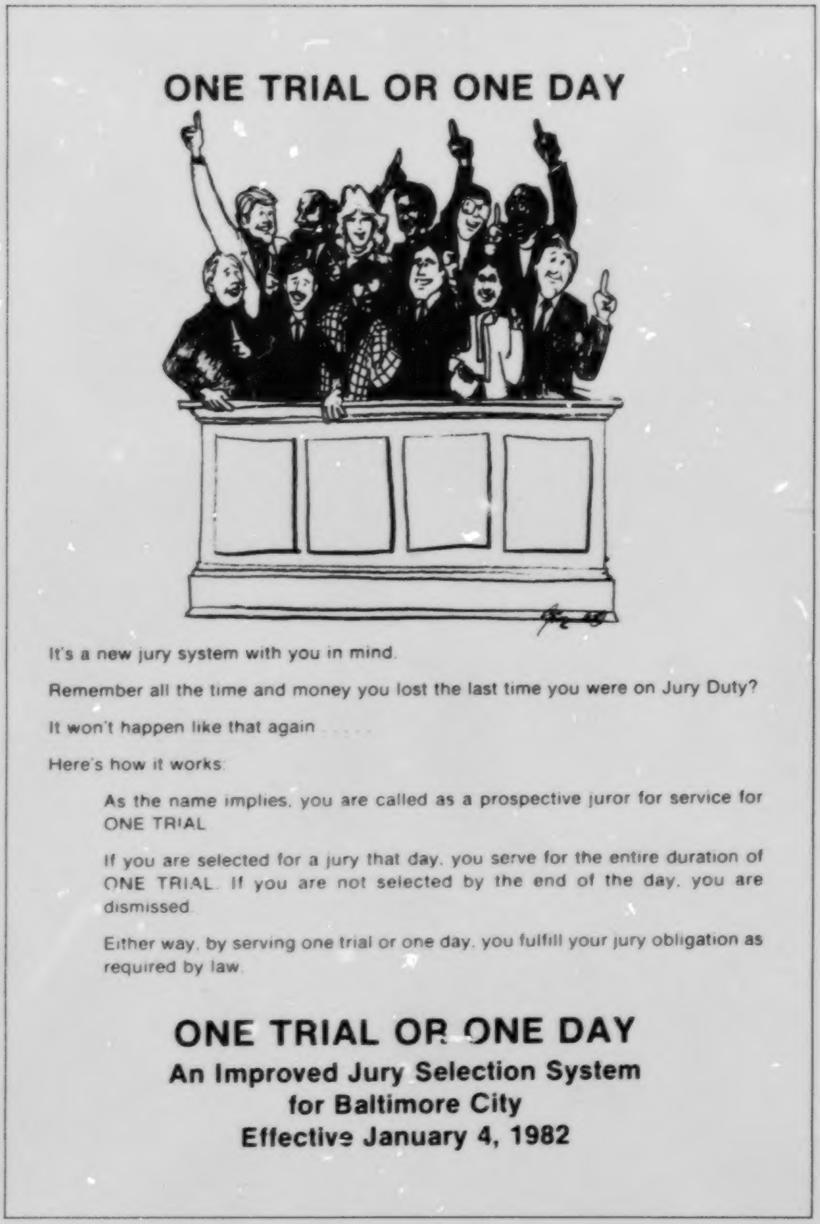
To educate the public on new jury systems, several courts have relied upon radio, television, and newspaper coverage. In Wayne County, Michigan, reducing the term of service from four weeks to one day or one trial was a major effort to modernize an outdated and burdensome jury system. These improvements were broadcast to the entire city through radio and television announcements that ran for several months prior to the start of the new jury program. One television announcement showed a small shopkeeper explaining to his wife that the business would not suffer while he was on jury duty because he would be gone for such a short time, and besides, "It's my duty to serve."

When introducing its one trial/one day system, Baltimore also mounted a citywide publicity campaign to gain the support of the citizenry and encourage them to serve. Its one trial/one day poster is shown in an insert.

Pre-service contact with jurors is a limited form of public education. It focuses on nitty-gritty practical details and necessarily can't go deeply into legal procedures and other information that jurors will receive at the courthouse. Yet it gives the court an opportunity to reach a large percentage of the community, conveying some basic principles about jury service at little cost.

Education During Jury Service

Reporting to the courthouse for jury service marks for many citizens both their first time as jurors and their first appearance at a courthouse. To minimize the confusion of where to go once they arrive, many courts have placed signs at the front entrance and other strategic locations in the



ONE TRIAL OR ONE DAY

It's a new jury system with you in mind.

Remember all the time and money you lost the last time you were on Jury Duty?

It won't happen like that again . . . . . .

Here's how it works:

> As the name implies, you are called as a prospective juror for service for ONE TRIAL.
>
> If you are selected for a jury that day, you serve for the entire duration of ONE TRIAL. If you are not selected by the end of the day, you are dismissed.
>
> Either way, by serving one trial or one day, you fulfill your jury obligation as required by law.

ONE TRIAL OR ONE DAY

An Improved Jury Selection System
for Baltimore City
Effective January 4, 1982

courthouse directing them where to report. When they arrive at their destination, the jury lounge or assembly room, they are immediately greeted by court personnel who check them in, assign them to a panel, and give them a juror badge.

After this, jury education begins. Prospective jurors are formally welcomed to jury service by a member of the court staff. This brief welcome is usually followed by a 20-minute audio-visual presentation that familiarizes prospective jurors with the jury system and generally describes what occurs in a courtroom. The presentation usually includes simple explanations on the distinction between civil and criminal trials, the function of the courtroom participants, and the conduct of the *voir dire*, trial, and deliberation. Throughout the orientation, jurors are assured that whatever information they need to competently perform their duty will be provided at the right time and that their contribution to the trial process is vital.

The recently adopted ABA standards on juror use suggest why audio-visual presentations are growing in popularity. The standards stress that care should be taken to ensure that orientations are fair, accurate, impartial, and presented in a uniform manner throughout the jurisdiction. Although a personal greeting by a judge or senior court official is often appreciated, the standards say that extemporaneous remarks should be brief and limited to welcoming the jurors to the courthouse and acquainting them with the facilities. Because there is no opportunity to challenge oral remarks and no basis for review on appeal if they are delivered in the absence of counsel or are not made a part of the record, an increasing number of jurisdictions are using slide, videotape, or film presentations to present all the necessary information to each group of prospective jurors in a consistent, appropriate, and interesting manner.

Presentations patterned after one made by Wayne County, using dual slide projections synchronized with the tape recorded narration, are popular. Others, as used in Hennepin County, Minnesota, have included a dissolver feature to use a single screen and avoid the abruptness of slide changes.

Professional organizations have developed films for juror orientation, and the courts themselves have prepared videotapes or slide-show productions with the help of university audio-visual departments, court educational institutes, and state educational services. In Maryland, Alabama, and Florida, the preparation of an orientation slide-show has been centralized in the administrative office of the courts. A team visits an interested court and shows a typical presentation. The court decides which sections or slides to change. A photographer then takes the desired pictures to personalize the presentation with views of the courthouse, facilities, judges, and courtroom personnel. The result is then viewed for approval by the court, bar, prosecutor, and public defender.

Which kind of audio-visual presentation should you choose? There are advantages and disadvantages to each. For example, synchronized tape and slide presentations are easy to modify, but the equipment is complex and somewhat difficult to use. The same mixture of advantages and disadvantages pretty much applies to videotapes. They are relatively easy to modify, but the equipment is complex. Films, on the other hand, are relatively inexpensive, but they are hard to modify.

In choosing which kind of audio-visual presentation to go with, it's a good idea to follow the example of the Massachusetts court that developed its videotape by first holding sessions at the court to view a number of films and slide presentations created by others. Judges and court personnel were asked to complete comment sheets to determine what they particularly liked or disliked about each presentation. This rating helped the court come up with a format that best met its needs.

One more suggestion. When viewing samples of the various kinds of audio-visual presentations, it's a good idea to have people in the audience who are knowledgeable about audio-visual aids, such as members of professional organizations, or people from state judicial institutes and local universities.

Whichever format you choose, a valuable second use of filmed juror orientation presentations is to show it to community and civic organizations, students, and other visitors to the courthouse. The presentation provides a tangible means of illustrating the functioning of the court system. In some states, the courts work directly with elementary and secondary schools to develop materials for law-related education programs.

The ABA standards suggest a number of topics appropriate for juror orientation:

- how the names of prospective jurors are chosen;
- the function of the *voir dire* process in selecting trial juries;
- why more individuals are summoned than may be needed and why a certain amount of waiting may be necessary;
- the functions of the jury and the judge;
- the differences between civil and criminal trials;
- the responsibilities of various court employees;
- proper juror conduct and behavior including the importance of wearing the juror badges provided by the court;
- a description of the jury room and the process of deliberation;
- an explanation of certain legal terms;
- a description of a typical courtroom layout;
- an explanation of the circumstances and conditions under which they would be sequestered and the likelihood of sequestration; and

- a description of the trial process.

The standards also suggest that jury education goes well beyond orientation. The standards emphasize that the judge's juror instructions are to be considered a part of juror education, especially when given as the trial progresses. Juror orientation and the judge's instructions are part of a whole process. During the first moments of being in the courthouse, the citizen is not ready to ponder "reasonable doubt" or comprehend the difference between the burden of proof requirement in a civil and criminal case. The education of prospective jurors is a sequential process, with jurors introduced to different levels of information at each stage of their service. When prospective jurors are presented with too much information at any one time, the effort is wasted. Juror education should be thought of as a continuum of information, from the court's first contact by mail to the summoned juror through to the judge's instructions to the jury before deliberation.

For example, after prospective jurors are assigned to a courtroom for *voir dire*, they should be given more specific information about the function of the *voir dire* proceeding and how juries are selected. Such information might include, for example:

- an explanation of the purpose of the *voir dire* examination;
- an explanation of the difference between peremptory challenges and removals for cause;
- introductory information on the particular case;
- an estimate of how long the trial may last; and
- an indication whether the jury will be sequestered, and if so, for how long and why.

And after the jury is seated, but before opening statements of counsel, additional information about the trial process and preliminary instruction on basic legal principles is warranted. The ABA standards suggest the following as examples of information that might be provided at this stage:

- an explanation of the charge or subject matter of the action;
- an explanation of trial procedures;
- an explanation of the jury's function as the trier of facts;
- an explanation of the importance of evidence and a description of what constitutes evidence;
- an explanation of why delays and/or recesses may be necessary;
- admonitions not to discuss the case with anyone, including fellow jurors; not to read or view media accounts of the case; and not to

engage in any outside research on the case, including viewing the site(s) involved;

- an admonition to report promptly to the court any attempt to improperly influence any juror or a violation by any juror of the court's admonitions; and
- an admonition not to form or express an opinion on any subject connected with the trial.

The standards note that during the trial, before deliberations, and after the verdict, "an effort should be made to impart the necessary technical information in language that can be easily understood by persons unfamiliar with legal principles and courtroom procedures. In addition, the role of jurors in the American system of justice should be acknowledged."

Many courts interview jurors after their service to answer their questions. The judges who meet with the jurors report that about half of the questions concern points about a particular case, such as "Why didn't a certain person testify?" or "Why wasn't a particular question permitted?" The remainder of the questions seem to be on the criminal justice process, such as "How are sentencing lengths determined?" and "What is the court's operating budget?"

Post-service interviews provide an opportunity for presenting information, though some courts are reluctant to permit any type of post-service contact. These courts fear that answering questions might be challenged by attorneys or implant misconceptions in jurors' minds that might influence their decision-making when they serve again.

This article began by pointing out that jury duty is an opportunity for citizen education. All jury duty is an education, for better or worse. In the best programs, ordinary citizens who know little become far better informed as a result of their service. While progress is difficult to measure, most observers feel that good jury education leads to better jurors—and better citizens.

As the one day/one trial system becomes more widespread, more and more people are going to be exposed to the courts. Jury education can give them a solid understanding of our courts, and it can go beyond, filling jurors' spare time with lectures and presentations on other aspects of government. Jurors like the process of learning. If there were a jurors' "Bill of Rights," the right to be properly informed would be a vital part of it.

G. Thomas Munsterman is Senior Staff Associate of the Center for Jury Studies of National Center for State Courts. Judith A. Hawes is Staff Associate of the National Center for State Courts. For further information about jury education, contact Mr. Munsterman at the Center, 9600 Center Street, Vienna, Virginia 22180; 703/281-7737.

ORGANIZING COURTHOUSE TOURS

Michael B. Wedner

Thomas Jefferson wrote in the Declaration of Independence that the just powers of government derive from the consent of the governed. One way in which the governed, the people of your community, can learn about the powers and functioning of the judicial branch of state or federal government is through courthouse tours. As important as courts are to the orderly resolution of disputes in our society, it is remarkable how few people really understand how they work. Courthouse tours provide excellent opportunities to observe courts in action. They can easily be arranged with proper planning.

The best place to start organizing a courthouse tour is the local bar association. Although court proceedings generally are open to the public, and one may walk into virtually any courtroom at any time to watch what is going on, in order fully to understand and appreciate what is being seen and heard, it is most helpful to talk to an attorney who can give pointers about what to expect. In addition, in a follow-up analysis, a lawyer can answer whatever questions may arise during the session.

Our tours are organized by the auxiliary of the Jacksonville Bar Association. They have been a successful part of the bar association's educational efforts since May 1977.

How can you get your bar association on board? A phone call or letter to the president, executive director or members of the board of directors of the bar association to enlist support for a tour program should be a first priority. Many attorneys are initially skeptical that a tour program can be successful; active encouragement from the leadership of the bar should persuade many attorneys to volunteer as speakers. Such attorneys otherwise might prove unwilling to participate, notwithstanding the obvious opportunity presented to meet potential new clients.

In Jacksonville, the bar's Speakers' Bureau provides one or two attorneys for the tours each week between September and May. Participants in the tours are found most easily by publicizing the program among community groups. Schoolchildren are particularly interested in seeing real trials, finding the experience both exciting and fun. During Law Week, the Jacksonville Bar runs an accelerated and larger tour program.

Speak with the court administrator (or other scheduling official) in your locality at the outset. Court administrators schedule room assignments for trials. In addition, if an orientation discussion prior to the tour group's actual visit to the courtroom is anticipated, it probably would be most convenient to meet in a room at the courthouse. Be sure, incidentally, to reserve adequate seating. Orientation discussions generally should not exceed one-half hour in length. Short attention spans necessitate brief overviews.

Court administrators can arrange for tours to focus on the courtrooms of judges who favor the program. Workloads and dispositions vary greatly among judges. Judicious selection of willing judges helps ensure successful tours. The court administrator also can see that the courtroom reserved for the tour will be large enough to seat the people in attendance. Particularly large tour groups can split up and view separate trials.

The court administrator also can help determine whether certain cases may be less appropriate for viewing by a mixed group than others. Particular church groups or women's clubs, for instance, might be offended by foul language from the witness stand in rape or abuse cases. Similarly, gruesome murder trials may be unappealing to those with weak stomachs.

After initial arrangements have been made with the bar and court administrator, choose your tour speakers. The bar can recommend particular attorneys who often volunteer their time for public educational programs. Litigators are especially familiar with how trials proceed and can guide a group through the intricacies of courtroom procedure. The best time of day for scheduling attorneys to speak generally is between 10:00 and 10:30 A.M. That schedule permits attorneys to check with their offices before coming to the courthouse.

The tour group should arrange its own transportation. Liability considerations, scheduling headaches and costs mitigate against tour organizers making transportation arrangements. A specific time should be set for the tour group to arrive at a specific place at the courthouse. Once that time and place have been determined, advise the court administrator of the time and place of the group's arrival, as well as of its anticipated size. The administrator then can choose the trial the group will view. The administrator should also speak to the judge who will preside, advising him or her that a tour group is expected. Attorney-speakers also should be notified about the arrangements.

Once the group arrives at the courthouse, its members should be cautioned to stay together. At the conclusion of the tour, individual members may wish to explore on their own. During a tour, however, gathering missing persons can cause significant delays. Similarly, the group should be asked to observe proceedings quietly. While the group will be most welcome, the business of the courts must proceed in an orderly fashion. Excessive noise may result in a bailiff removing individual members of the group from the courtroom. It also may prejudice chances for future tours.

Two supervisors should accompany each courthouse tour group. One person can keep the group together and supervise its comings and goings. The other person can work directly with the court administrator in the event it is necessary to make last minute changes in the tour agenda due to unexpected trial developments.

Upon arrival at the courthouse, the group should be led to wherever the volunteer attorney will present orientation remarks. Attorneys should advise the group generally on the nature of the proceeding that will be viewed. They also may wish to discuss the functions of the various personnel who will be seen in the courtroom, including bailiffs, court reporters, judge, attorneys and jury. You might have a question-and-answer session at this time, although such a session might best be reserved until after the viewing.

After the introductory remarks, lead the group in an orderly and quiet fashion into the courtroom for the trial. In the event there is an unexpected adjournment or other delay, the group could be taken to other areas of interest in the courthouse, including the law library, the state attorney's and public defender's offices, the clerk's office, the voter registration office, the public records room, or even a judge's chambers. Alternatively, these areas may be viewed after participants have seen a trial.

Once the group is in the actual trial courtroom, the judge may halt proceedings and officially greet its members. For many judges, presiding over a tour trial is an excellent public relations opportunity. Many judges take great pains to leave tour members with a positive feeling.

At the conclusion of a viewing session, the group should make a quiet exit. The group then may return to its initial orientation room for questions and answers with the attorney-speaker, time permitting. Many attorneys, caught up in the enthusiasm of the group, will devote as much time as is necessary to answer all questions asked.

Following the question-and-answer session, a group with stamina can be shown other areas of the courthouse. It is best to coordinate such visits with the people in charge (the supervisor of elections, the clerk of the court, etc.). Again, the group should be encouraged to stick together and make its tour quietly. Brief presentations may be given by the respective public officials. Personal introductions to the local state attorney or public defender often impress group members. In a similar vein, a tour of the local jail, if it is nearby, may be memorable for the group. Of course, you have to coordinate it in advance with the appropriate officials.

At the conclusion of the official tour agenda, individual tour group members then may choose to explore the courthouse further on their own, as long as they make their own return transportation arrangements. Tour supervisors should try to thank the court administrator and anyone else who has been helpful before leaving.

If tour supervisors wish to supplement the tour experience with literature for tour members to review, whether before or after the tour, there are many sources of useful materials. The local bar may stock free pamphlets or books published by the ABA or the state or local bar on individual rights, real estate law, problems of the elderly, consumer transactions, or other legal topics. Similarly, the League of Women Voters, the legislature, legal publishers, and the school system may provide literature.

A regular courthouse tour program will do much to educate the public about how the court system really works. It may lead to increased appreciation for the hard working individuals who comprise that system, as well as for the ingenious democratic principles the system embodies. For tour organizers, a little effort goes a very long way indeed.

Michael B. Wedner is an attorney in private practice and a member of the Jacksonville Bar Association. For more information about courthouse tours, contact him at P.O. Box 4788, Jacksonville, Florida 32201; 904/355-2525.

WRITING FOR JUSTICE

In Cook County (Chicago), Illinois, Judge Henry X. Dietch has found an unusual way to help educate the public about the law and respond to what he believes is unwarranted criticism of the judiciary by the media. For the past four years, he has written a column, titled "Judiciously Speaking," that is published every other Sunday in 14 south suburban Cook County newspapers. His articles appear on the editorial pages of the *Star Tribune* newspapers and cover a variety of topics, including: "Don't blame the judges for the rise in crime," "Who is filling the prisons?," "All parts of the system must work to keep bad drivers off the road," and "Third and Fourth Amendments ban illegal intrusion upon person, home." In addition to his own writing, Judge Dietch has talked to many Chicago-area editors and writers about improving coverage of the courts.

Judges traditionally have not addressed the public on issues pertaining to the courts. The reasons for this involve tradition, fear of politicizing the judiciary (which in the eyes of many should remain objective and not give added credibility to its critics by responding), and a sense of powerlessness when it comes to influencing the media. (Better not to say anything than to be misquoted.)

In this interview, conducted by Fred Melcher, editor of the *Judges'*

Journal, we asked Judge Dietch why he is writing a column, how readers have reacted to it, and what ideas he has tried to bring to the public.

THE JUDGES' JOURNAL: How did you get started as a regular columnist for a newspaper?

JUDGE DIETCH: I met the then features editor of the *Star Tribune* newspapers, Charles J. Shields, at a social gathering, and commented to him about how I felt that we were getting only one side of the judicial picture in the newspapers and wouldn't it be wonderful to hear the judge's side. And he said something like, "Why don't we hear from you," and suggested that I write several articles. From there, it grew into a regular column.

I cleared the matter with my superiors, who indicated their approval. And I explored the ethical aspects of writing a column for a newspaper and received tacit or actual support from all sources of inquiry, including justices of the Illinois Supreme Court, the Administrative Office of the Illinois Courts and the presiding and chief judge under whom I work as an associate judge of the Circuit Court of Cook County. The latter two receive copies of each column I write after publication.

THE JUDGES' JOURNAL: Does the newspaper edit your column? Does it title it? And do they pay you for doing it?

JUDGE DIETCH: I have complete editorial control over everything except the titling. I write my columns in long hand—because I don't have secretarial facilities and don't type myself—and the paper sends me back galley proofs. Occasionally, I will receive a call from one of the paper's editors, asking if I would, say, make a grammatical change in a sentence. The paper has never attempted to influence the content of what I write in any way. As for the titling, sometimes I am pleased with what they select and sometimes I am displeased, but overall they have been doing a fairly good job in titling the column. I always suggest titles for my columns, which they sometimes use.

When I first started writing the column, I received nothing, but now I am getting $30 a month—to cover expenses. Under the Canon of Judicial Ethics, judges are allowed to accept outside fees for lecturing and writing.

THE JUDGES' JOURNAL: Tell me a little about why you are writing the column? Is it primarily to bring forth the judges' point of view or is it to educate the public about our legal system?

JUDGE DIETCH: I am really writing it for both reasons. When I originally decided to do the column, I told Charlie Shields that I didn't think the media was doing a good job in covering the court system. They were picking out individual pieces here and there—mostly the sensational—and not playing fair with the courts in giving a well-rounded picture to the public. I also told him that many stories about the courts were never followed up as they should have been. I think that he agreed with me to some extent.

THE JUDGES' JOURNAL: Why did you title your column, "Judiciously Speaking"?

JUDGE DIETCH: I entitled it "Judiciously Speaking" to present a partially judicial aura, but not as a judicial pronouncement coming from the bench. It was to be, and I hope it is now, a common sense approach to the problems we all contend with and which have to be explained to the public.

The column is devoted to informing or educating the public on the court system, the problems of the judiciary, the condition of our civilization, the changes in our society, and the attitudes of litigants, lawyers and judges to these problems.

THE JUDGES' JOURNAL: What do you think most disturbs the public about our courts?

JUDGE DIETCH: Crime on the streets. They think that the rise in crime is due to the judges and the way the court system operates. They think that judges are too lenient and that we let them out of prison and parole them—a function that has nothing to do with judges, because it is controlled by the executive branch. The public believes that judges could prevent crime if only they would treat criminals more harshly in their courts. Of course, this is an incorrect perception. They might as well blame the family, schools, clergy, police or state's attorneys. You could pick out almost any factor, and place the blame on that segment.

THE JUDGES' JOURNAL: What have you written about that has generated the most feedback from the public?

JUDGE DIETCH: I have received considerable comment on columns when I have said that judges are doing their jobs, that the public has a misconception of the court system, and that the blame for crime, for the drug scene, rests with the public. When I tell readers it is their fault, then I get an answer of: "I am not in a position of power. What can I, as an individual, do about it. You are a judge; you ought to do something about it." That is a general reaction.

We are being asked by some to rectify all of society's ills by sending everybody to the electric chair. Execution is not going to change the crime scene very much. You take countries where there is not capital punishment, and they have a lower crime rate than ours.

THE JUDGES' JOURNAL: You have also written about gun control, which you favor. I assume you heard from your readers about that. Weren't you concerned a little about the political consequences of that?

JUDGE DIETCH: My columns favoring gun control, indeed, did generate much comment in the letters-to-the-editor section of the newspaper—both favorable and unfavorable. I was not concerned about the political consequences of speaking out.

THE JUDGES' JOURNAL: For a long while, judges have kept a very low profile when it comes to speaking out to the public. Some judges express concern over politicizing the judiciary; others worry about the effects on campaigning. Do you think judges should speak out? Why do you think so many are reticent?

JUDGE DIETCH: I think that we have to educate the public. If it means speaking each week to the Kiwanis or Rotary clubs, so be it. If judges are getting their names before the public, so be it. I think that judges should be active in getting information to the public that helps the whole judicial system. Self-promotion is always a factor, but I think that we have to take that risk.

Unfortunately, the judiciary has been receiving a great deal of unwarranted criticism from the public, the news media, and the television commentators. Much of the misunderstanding stems from ignorance of what the judicial process is all about, or from the failure on the part of the judiciary to set the record straight. We have too often wrapped ourselves in the robes of righteousness, law, and justice, and ignored or turned aside critical remarks, articles, and media coverage. We have too often taken the position that because we are judges, we ought to, as an ethical matter, eschew all answers to attacks upon our profession and the very law itself.

As a result of our previous approach to criticism, we have aided, by silence, the increase in that criticism to the point where we now find ourselves on the defensive. Recent polls (even with their inaccuracies) and our own experiences with the public seem to indicate that the public holds our courts in low esteem and that it knows very little about them. We can, of course, immerse ourselves in our own world of law and procedure, take at face value what great persons we are from the comments of our clerks, bailiffs, and lawyers, and let the public in its ignorance believe what it wants to believe.

However, that approach would be self-defeating. Not only would it harm ourselves and our pride in our work, but it would inevitably erode the system of law which we cherish and hold dear. It could ultimately affect the lives and liberties or all of us and create a climate that could lead to a denigration of law and justice. That kind of a result would be a calamity to our society and to our civilization.

THE JUDGES' JOURNAL: One of the conclusions from a 1978 Yankelovich survey on the "Public Image of the Courts," conducted for the National Center for State Courts, was that those members of the public who had the most knowledge and experience with the courts were the most dissatisfied. Has this been your experience?

JUDGE DIETCH: When I was hearing jury trials, I sampled jurors' opinions on that matter after they had rendered their verdict, when the case was completed. I do not know whether their answers had anything to do with fact that I had my robe on, but most of them were happy at having served as jurors. They seemed to have learned something and were surprised by how well the system worked. Our court does have a one day/one trial system and an educational program to inform jurors of what is going on.

THE JUDGES' JOURNAL: In your column, you have commented on working with court watcher groups. What do you think of them?

JUDGE DIETCH: The court watcher groups have had a very good effect on the court system. In addition to the court watcher groups here, the chief judge has his own investigators out watching the judges. And there are other local groups, in addition to the one run by the League of Women Voters.

THE JUDGES' JOURNAL: What sort of effect does it have on judges? Why do they need it?

JUDGE DIETCH: There are some bad apples in this profession, although the vast majority are fine. We have had judges who do not show the proper judicial temperament. As a result of this sort of scrutiny, some judges have straightened themselves out and gotten their act into good order. The court watcher groups render a private report to the chief judge—with specific courts, judges, and situations mentioned—with recommendations for improvement. Each year the court watcher groups issue a general public report with a list of suggestions. The overall result has been good.

THE JUDGES' JOURNAL: Where do you think the press has most clearly failed in covering the courts?

JUDGE DIETCH: The greatest misconception is in the criminal law field. I think that many reporters don't understand that it is not the judge who is prosecuting the case but the state's attorney. If the state's attorney says that he doesn't have a case—it is not the fault of the judge. If a case comes up and there aren't witnesses or if the evidence is insufficient, then the judge is obligated by law to dismiss the case. But the next day's headline reads, "Judge Dismisses Rape Case," and the reasons for the dismissal aren't given in the papers. The headline may be true, but the public perceives the judge as the one who said to the alleged rapist, "Go out and do it again." That is the impression that the media will give to the public, even in cases when the prosecutor moves for dismissal.

THE JUDGES' JOURNAL: Who do you feel is blaming judges for crime? Are prosecutors and police blaming judges for crime—in effect, shifting the blame to judges? If so, how do you respond to that?

JUDGE DIETCH: The blame-shifting is a problem. For example, recently a suburban police chief told a group of irate citizens who were concerned about an increasing number of burglaries in their area that much of the blame for any increase in crime was "due to the judges in Markham, Illinois." That was a statement reported by a bylined story in the *Star Tribune*.

This was not a case in which I had any involvement, so I was able to look into it and comment on it. I telephoned the paper's reporter and asked, "Did the police chief really say that?" "Oh, yes," the reporter answered. I then telephoned the police chief to ask if the reporter's story was true, and was told by the police chief that he had been misquoted.

However, I learned from other sources that the police chief had indeed said that. The police chief, who was appearing at a village board meeting, was under pressure from citizens who wanted the burglaries stopped. It turned out that the police chief hadn't been able to apprehend anyone for those burglaries. Instead of telling people that he hadn't been able to catch anyone, he said that the judges were to blame.

Our presiding judge then wrote the police chief a letter, because we wanted to get an official response to those charges. The police chief wrote in response that he had been misquoted and that he hadn't blamed the courts for the increase in crime.

The letter and inquiries to the police chief were ways of letting him know that there are responsibilities for and consequences to his actions.

We find that police and state's attorneys, when it is their fault for not presenting a proper case, will often blame "lenient judges."

I am not saying that all judges are 100 percent right—some of their decisions are wrong. If a judge is abusing his power, then he should be castigated. But to blame all judges for increases in crime is bunk. We have sent away more people to prisons than ever before. Jails are overflowing. Has that stopped crime? I don't think so. The underlying causes of crime are something that we can't deal with—for example, poverty, unemployment, bad social conditions, drugs, broken homes. Researchers estimate that about one-third of the children today are without both parents in the home. What does that say about our social system?

THE JUDGES' JOURNAL: Do you see things differently now as a judge than you did when you were a suburban mayor and a private attorney?

JUDGE DIETCH: When you become a judge, you are thinking of posterity; you are thinking of yourself in a long line of people who administer the law. And you look upon things differently. First of all, you want to do a good job because you have lawyers on both sides. You don't want to be made to look foolish by not knowing the law. You have, as critics, the appellate courts and the community of lawyers. The word gets around, if a judge is fair or if he is crooked or if he doesn't know the law. Doing the right thing is the main factor.

THE JUDGES' JOURNAL: I noticed that many people have written responses to your *Star Tribune* column. You have received quite a few letters to the editor. Most of them praise you, and some of them damn you. But I did want to quote part of one letter that a Park Forest, Illinois, resident wrote: "[Judge Dietch] expresses his views to a certain degree, thus giving anyone the opportunity to approve or disapprove. It would be to our benefit if all our judges and political leaders would write articles, so we could vote on the knowledge and then hold them to their statements. . . . We are fortunate to have him on the bench. I am looking forward to more of his articles."

JUDGE DIETCH: I believe my column succeeds in giving its readers a basic understanding of the court system and the problems we face as judges.

DIVERSION: HEADED IN THE RIGHT DIRECTION

Mary Curd-Larkin

At 10 on a hot Friday night Frankie and two of his best buddies stealthily enter a grocery store's warehouse. Unaware that they have triggered a silent alarm system, the fifteen-year-olds indulge in a shoplifting spree, helping themselves to three cases of candy bars. The fun stops there. On leaving they are met by two police officers and arrested.

For Frankie, this is a first arrest. The events that ensue will be crucial to his life. This shopping trip will rank either as an isolated incident in a young person's life or as the beginning of a chain of crime.

Statistics show that if Frankie goes through the formal processes of the juvenile justice system, he's more likely to become a criminal. That fact, coupled with the problem of overcrowded juvenile courts, speaks in favor of diverting first-offender youths from the juvenile justice system.

One particularly successful diversion program is based on teaching kids about law and the legal system. This District of Columbia project was begun in 1979 as an alternative for youngsters who would otherwise be assigned to informal probation. It is one promising way of reaching young people who may be out of school and thus beyond the help of school-based law-related education programs.

Here's how it works. All first-offenders for minor crimes are eligible for a consent decree in the District of Columbia. A consent decree is a voluntary period of probation without an admission of guilt. This alternative to probation takes place before the matter is adjudicated. If kids accept the alternative they are "sentenced" to a 12-week course that meets in a courthouse two hours a week.

The course deals with law-related topics these youngsters encounter every day on the streets where they live. Parents are required to attend the first class in order to learn about the program, and are encouraged to participate in the remaining classes. Participatory learning methods—role plays, mock trials and field trips—help kids learn about family law, school law, and the juvenile court process, with equal emphasis placed on rights and responsibilities. Within the class, the students are not labeled, segregated, isolated, or alienated by the law-related education teacher. For some, this is their first positive educational experience.

The practical law topics, coupled with effective teaching strategies, help rehabilitate because students learn about our legal system while developing the personal strength to say "no" when confronted with opportunities or invitations to break the law. One lesson, for example, addresses itself to "how not to go rob the grocery store when the gang wants to, but you don't."

Another aspect of the program includes the use of community resources in the classes. Attorneys, judges, police, and social workers participate in the classes as volunteers. Even though the curriculum emphasizes accepted methods of teaching social studies, students are not actually required to master reading. Therefore, all students can comprehend the content of the lessons regardless of their reading level, and students with diverse reading abilities are at ease in these classrooms.

Thus far more than 200 youngsters have taken part in the District of Columbia model program. In an exit interview, one student said, "I don't hang around with the same crowd anymore." Another said, "I'd give the Street Law Diversion class a grade of 'A' because they teach stuff you need to know." Parental reaction has been similarly positive. For instance, one parent reported, "This is the first time I can remember Marvin ever wanting to go to classes. He wants to keep on coming after the 12 weeks."

A 1980 evaluation, based on comparisons between kids in the diversion program and a control group, showed that diversion classes, if properly implemented, resulted in reduced offense rates. Evaluators are stunned that the recidivism rate in the District of Columbia for Street Law Diversion juveniles is 15 percent, compared with a 35-40 percent recidivism rate for consent decree juveniles who do not participate in the diversion program.

Mary Curd-Larkin, Program Director for Juvenile Justice at the National Institute for Citizen Education in the Law, organized the model program described in this article, and currently administers a program to replicate diversion programs around the country.

A version of this article appeared in the ABA's magazine, *Update on Law-Related Education*. For additional information contact Ms. Curd-Larkin at NICEL, 605 G Street, N.W., Washington, D.C. 20001; 202/624-8217.

Media-Related Efforts

In this section, we included nine articles on ways of reaching the public through the media. Each article describes what a bar association can do to get its message across through television, radio, and newspapers.

Of course, other groups can make use of the media too. James Richards' article in the section on judges and the courts describes a radio effort, and Karen Crosby's article in the legal services section describes several creative uses for videotape.

WORKING WITH THE MEDIA

David N. Anderson

The media. The very words conjure up mixed feelings of intrigue, excitement, and resentment. Resentment? Yes, and possibly more so for lawyers than for most other groups that are the subject of media interest.

It's as though the media possess both poles of a magnet simultaneously. The power of the media to confer instant celebrity draws us in, but when denied the ability to control the message, we are repelled. We quest for public recognition of our individual efforts or the activities of our bar associations, but at the same time we resent the media when they are indifferent, or their reports contain inaccuracies, or their reports interpret the news in a way that differs from our perceptions.

Why, then, should we bother? First of all, lawyers and bars interact daily with the public and often are involved in events that are of public interest and concern. Through the media, the public is informed of these events, with or without the viewpoint of the bar. Secondly, the media represent an opportunity for the bar to use its expertise to educate the public about the law and legal system as part of its on-going public relations efforts.

Despite the mixed feelings lawyers may have about the news media, the mutual concerns of the media and the legal profession should lead to a good working relationship. The functioning of the justice system is important to all of society and receives considerable media attention. Without widespread understanding of that system, it is nearly impossible for the law to work. While the quality of coverage of the courts and our legal system varies widely, its effect on public perceptions is direct and immediate. This impact yields an enormous challenge to the bar to assure the best possible coverage by working more closely with the news media.

Establishing good media relations should not be considered synonymous with public relations. In fact, media relations are one small part of a comprehensive public relations effort that may include public information pamphlets, fee arbitration, law-related education, and all the other things bars do to serve and educate the public. Successful media relations starts with an understanding of the mechanics involved in airing the news.

What is news? The short answer is whatever an editor or news assignment director says it is. This answer may seem flippant but, in the final analysis, it is that person in a newsroom who decides what is printed or included in a newscast. The decision is based on the perceived interests of the news audience and the obligation to inform the public.

Usually, the election of bar officers or the appointment of a committee will not be regarded by the media as a major news story. Such a story gains importance, however, if the newly elected bar president announces plans to significantly improve the delivery of legal services, or if a committee of the bar is going to study means of reducing court costs and delays. Then the story has a "hook" or an angle that gives a reporter the chance to discuss a matter of broader concern to the public.

Some of the opportunities the bar has to "make news" include:

- Election of officers;
- Bar meetings at which prominent speakers are addressing substantive topics;
- New or existing bar public service programs;
- Evaluation of judicial candidates;
- Committee or governing board decisions on matters of public concern;
- Practical advice about consumer issues on which the bar has special expertise (i.e., steps to take if your tax return is audited; legal aspects of hiring a contractor for home improvements; legal considerations in buying a condominium);
- Bar positions on state and federal legislative proposals; and
- Bar positions on issues affecting the justice system (i.e., exclusionary rule; funding of legal aid; cameras in courtrooms).

Identifying news among bar activities is a never-ending process, but the more difficult part of the task is getting the news out in a way that both informs the public and serves the goals of the association. The following suggestions are aimed at assisting bar associations to communicate through the mass media. Of course the ideal situation is for the bar to employ a full-time public relations professional with responsibility for media contacts, but these suggestions assume the reader is not a p.r. professional.

News releases. This is still the preferred way to communicate with media. A written release should contain the basic *who, what, when, where,* and *why* information about your news.

A few things to remember about written releases are to:

- Date the release at the top and put the name and phone number of a contact person for further information.
- Headline the release, summing up the most important information.
- Double-space the release, using only one side of the page.
- Put the most important information in brief, factual sentences in the first paragraph. Use succeeding paragraphs to provide more complete information and other details.
- Be as complete as necessary to explain the story, but discard information that is important only to the bar association or to a small number of people.
- Put any opinions expressed in quotes and attribute them to an appropriate source, such as the president of the association.

You should understand what happens to your release when it arrives, along with perhaps 50 or 100 other releases, at the city desk of a newspaper or at the news assignment desk of a radio or television station. The release gets a once-over glance to see if any local names are mentioned; the headline and the first paragraph get scanned; and the release is headed for one of three places: the assignment file for that day; a "futures file" for consideration the following week; or the trash can. The editor probably will spend no longer that 20-30 seconds reading your carefully crafted release before deciding if it is of interest.

If your release catches the eye of the editor and is assigned to a reporter, a number of things might happen next. If the release is simple and straightforward, it may simply be used as it is, possibly with the last paragraph or two lopped off because of space limitations. More likely, it will be rewritten, a process that might require the reporter to call the contact listed on the release for clarification or further information. If it is considered a major story, the reporter also might contact other sources to bring other perspectives to the story.

News conferences. A bar should call a news conference only when it has an important story that cannot adequately be described in a written release. Frequent or unnecessary news conferences can lead to media indifference and no press coverage of even significant news.

When holding a news conference, here are a few points to remember:

- The news conference does not replace the need for a written release. It is always best to get basic information down on paper as a handout so reporters start out with the basic facts, including names and titles.
- The location and time of a news conference can be important considerations. The relative convenience of the location may determine whether media attend. Also, a news conference scheduled at 5 P.M. may be bypassed by television stations that feel they won't be able to process a story in time for an early evening newscast. There is no ideal time to coincide with all media deadlines, but news conferences scheduled in the morning (9:00 A.M. or later) or in the early afternoon are usually the most acceptable.
- The setting can be almost anywhere with a table or lectern, chairs for reporters, adequate lighting and electrical outlets for TV crews. Radio and TV reporters will want to place a microphone before the speakers.
- Reporters' questions at a news conference may stray from the announced topic of the conference. Other topics that might arise should be anticipated and the speakers should plan to respond.
- Reporters' questions may be pointed and may even seem antagonistic. Tough questioning is a part of a reporter's job. If tough questions become antagonistic, the reporter may hope to prompt a heated response. The best reaction is to remain calm, answer the questions, but don't become defensive or return the abuse. Remember what President Eisenhower's press secretary, James Hagerty, learned after blowing his top at columnist Art Buchwald: "If you lose your temper at a newspaper columnist, he'll get rich or famous or both."

What if you call a news conference and nobody comes? It can happen, even if the story is newsworthy. Other news events occuring simultaneously or news organizations with too few reporters might cause a poor turnout. Copies of the written release should be sent to no-shows and a follow-up phone call made to editors or assignment directors.

Responding to media errors. A news release that seemed perfectly clear comes through the media filter unrecognizable. The resulting story turns day to night and black to white. What can be done?

- Consider the story objectively and determine if the error materially affects what you are trying to communicate. Make sure it is a matter of inaccuracy, not a differing interpretation of the facts.

- Call the reporter who did the story. If you do not receive satisfaction, call the editor or assignment director and explain what error was made.
- You should expect that mistakes about material facts will be corrected. In the case of newspapers, you might also write a letter to the editor for publication, reinforcing the information you want to get across.
- If the error appears on radio or television newscasts, your only hope is to catch the error quickly. A story that contains errors can be corrected for subsequent newscasts.

Responding to media criticism. For a variety of reasons, the bar and the media sometimes find themselves on opposite sides of public issues. When a negative story or criticism is leveled at the bar, there is no pat answer for how the bar should respond.

"Never argue with someone who buys ink by the barrel" is one line of reasoning. In some cases, the bar may face a no-win situation, and its best course is to remain silent. However, there often are benefits to responding that transcend the question of who gets in the last word. For one thing, it may be important reinforcement for the members of the bar to see their own viewpoints expressed publicly by the association.

When a critical story or editorial appears, no one person should decide to respond and what the response should be. The bar president should consult with other officers or knowledgeable bar members to obtain various viewpoints. The response should be well reasoned and to the point. As in all dealings with media, the bar officer should use non-legal language, keeping in mind that the object is to communicate clearly with the public. A response using logical arguments based on facts or figures will be effective.

In responding to an unfavorable news story, try to promptly get a follow-up news story. If an editorial takes a position unfavorable to the bar, the response should be directed to the editor or editorial director. Newspapers will offer space for letters to the editor or, on important topics, may allow space for an op-ed (opposite the editorial page) piece offering a different point of view. Broadcasters that editorialize generally welcome responses of contrasting views.

Regular columns and tapes. Newspapers are often interested in brief question-and-answer columns providing general information about common legal problems. Radio and TV stations may be interested in tape-recorded or videotaped versions as an insert to a newscast. Give these materials to the media as a public service without charge. They help make the bar and media partners in addressing the public's legal information needs.

Editorial visits. Bar spokesmen should meet periodically with editorial boards of the major media. These meetings may be for the purpose of discussing a single subject or a range of issues important to the bar. In Illinois, we often focus on topics likely to be the subject of an editorial or upon which we would like to encourage editorial comment. We provide position papers and background information on the issues to the editorial writers. While the resulting editorials may not always agree with the bar's position, at least our views are taken into account and often are reflected in the commentary.

In addition, we occasionally meet informally with news executives to exchange views and explore areas of cooperation. As a result of such a meeting, media representatives were added to the state bar's Fair Trial-Free Press Committee and gave the committee an agenda of items important to the media.

Media law handbook. Several bars have produced handbooks for the media that cover both laws important to reporters and general legal concepts that they might need to know in covering the law. Naturally, reporters are personally interested in such topics as First Amendment rights, defamation, access to legal information, open meeting laws, reporters' privileges, and freedom of information laws. To improve legal coverage, the handbooks also cover such topics as crimes and punishment, criminal procedure, the court system, juvenile court and legal terminology. Some bars also include a list of state and local bar officers, as well as telephone numbers of knowledgeable legal sources. The handbooks are usually looseleaf, to permit easy updating.

News media guide to state laws. When the Illinois legislature changed the law from indeterminate sentencing to determinate sentencing in 1978, even veteran courthouse reporters were baffled about the sentences available to a judge. Soon after the law became effective, the state bar published and distributed to all media in the state a two-sided, heavy stock "News Media Guide to the Illinois Sentencing Act." The printed sheet was pre-punched to permit easy mounting on a wall for quick reference in the newsroom.

The guide, updated and reprinted after each legislative session, lists all categories of felonies, the range of sentences available to a judge, and a complete breakdown of all felonies by class. The guide also contains an explanation of the new habitual offender provisions and "good-time" regulations. Other statutes, of course, may also be natural candidates for media guides.

Media law seminars. Ranging from a half-day to three days in duration, these intensive seminars provide education to the media about legal issues, but more importantly offer a forum in which lawyers, judges and journalists can learn more about each other and their respective roles in the justice system. Media participation can be obtained through state newspaper publishers' and broadcasters' associations.

While a media handbook provides a handy reference book for reporters, they are unlikely to read it from cover to cover. Instead, they might try to skim a section that applies to a story they are writing—if their deadlines allow them the time. The seminars can give reporters a basic legal foundation, making the handbooks more valuable and, at the same time, highlighting the sponsoring bar as a source of legal information.

Bar publication to media. Send each issue of the bar journal and bar newspaper to selected media as an information item. When appropriate, a news release summarizing an article of interest should accompany the mailings. Frequently, you will find your articles the inspiration for broader press coverage of legal issues.

Law guests on talk shows. Radio and television talk shows are in constant search of topics and guests. Legal topics presented by articulate speakers are attractive to the producers of these shows. Some stations will agree to establish a regular slot for a legal topic with guests provided by the bar. Others will accept bar guests on current topics of legal interest.

Mediation of bench-media disputes. Our Committee on Fair Trial-Free Press offers its services to informally mediate disputes arising in the courtroom between a judge and journalists. The effort, aimed at avoiding litigation in conflicts between First and Sixth Amendment rights, seeks to suggest alternative solutions acceptable to both parties.

Establishing and maintaining a full-fledged media relations program requires considerable perserverance and attention, but it can pay rich dividends to the bar and its public education effort. Most important, it enlists another ally, the media, in the effort to promote public understanding of the law.

David N. Anderson is Director of Public Affairs for the Illinois State Bar Association. For more information about Illinois' media relations program, contact him at the state bar, Illinois Bar Center, Springfield, Illinois 62701; 217/525-1760.

REACHING A STATEWIDE TELEVISION AUDIENCE

Sharon R. Stephan

The Nebraska State Bar Association's "Ask a Lawyer" television program has been successful in meeting two important goals: better informing the public about the law and legal system, and increasing the bar's visibility. More importantly, these goals have been achieved through the direct involvement of lawyers and judges in the bar's public relations efforts.

The program is easy to initiate, popular with the public and with members of the bar, relatively inexpensive, and requires a minimal amount of staff time.

In Nebraska, "Ask a Lawyer" is a live, 30-minute program aired eight times a year (once a month except in the summer and December) on the statewide Educational Television Network. It features a panel of three lawyers or judges (different for each program) and a moderator (the same each month) who answer questions phoned in to the TV studio by viewers during the broadcast. Six of the eight programs are limited to a specific topic, while the other two are general programs with any legal question allowed.

"Ask a Lawyer" programs can be found on both commercial and educational stations. Each has unique advantages and disadvantages.

Commercial TV: Commercial stations generally have a larger number of viewers than public TV. Because they can sell commercial time to sponsors, they do not have the funding problems one might encounter with an educational station. However, commercial stations may be limited in the geographic area they cover, or their coverage may extend across state lines, which could pose problems for a program that focuses on one state's law. You also need to be somewhat careful about who sponsors your program on commercial television, a condition over which you have little control. In addition, commercial TV is more susceptible to the whims of national network programming, resulting in occasional preemptions.

Public TV: Many states have statewide educational television networks, allowing a single broadcast to reach the state's entire population. This is important to us because, as a unified bar, we are concerned that when dues dollars are spent on a fairly major, on-going project, all bar members are equally benefitted. Public TV stations also seem to have more flexibility in presenting state-produced programming during prime time viewing hours, and offer greater security that their programs will not be cancelled because of low ratings. However, the financial crunch has been particularly hard on public TV stations, and you may have to pay the costs of programming or find an outside source of income. In some states, ETV stations produce these programs at no cost to the association, but in Nebraska, the costs are paid out of bar dues. Should this funding source be lost, we are confident that another could be found, either the bar foundation or an outside source. Many public stations have a program development office that can assist in identifying potential funders.

Both commercial and public TV stations generally will have a public service or public affairs director with whom you can discuss the concept of an "Ask a Lawyer" program.

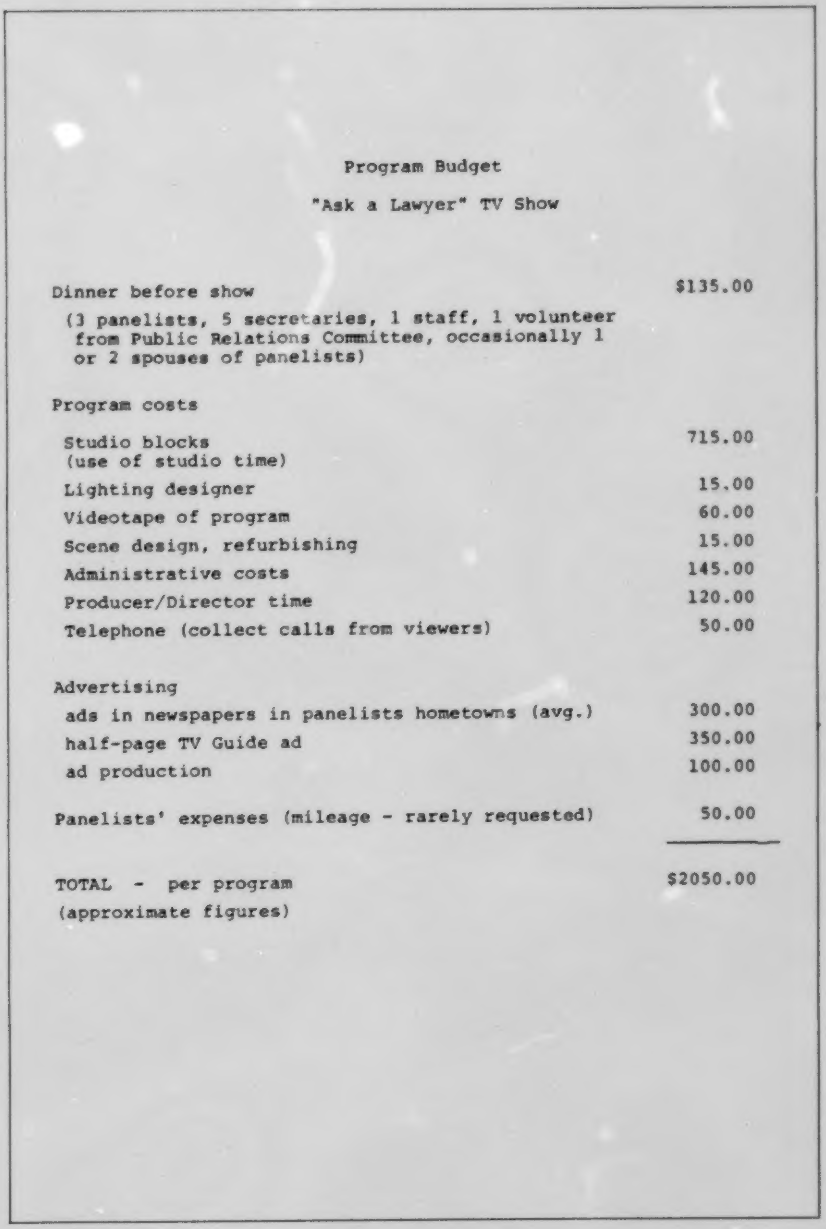
It may be helpful to bring a tape of a show from another state or city to demonstrate what you have in mind. Some directors may object to the program, saying that it is simply a "gimmick" designed to drum up more business for lawyers. This is a difficult attitude to change. To overcome that impression, you might respond that the public has a tremendous interest in law and the legal system. The topic affects many aspects of our daily lives and our relationships with others. By being better informed about the law, people can avoid getting into legal difficulties, thus reducing litigation and saving money. The program is a public service in that it provides general legal information for the benefit of all viewers, and also directly addresses legal questions actually called in by viewers.

Statistics from other "Ask a Lawyer" programs showing the volume of calls may also be helpful in convincing a reluctant program director of the continuing public interest in a program of this type.

Bar leaders should be easily convinced of the value of the program. It provides a way for lawyers and judges to inform the public about the law, the courts and the legal system, and to demonstrate that they care about the extent to which the public understands that system. It gives many people an opportunity to participate in a bar-sponsored program. It can be an excellent way to show the diversity of membership in your association. If cost is a concern, look to an outside foundation or other source of funding to cover or split the costs.

Much of the success of a TV program depends upon the "talent"—the moderator and panelists. Choose a moderator who has a good on-camera presence and a sense of humor, and who is reliable and willing to make a fairly substantial commitment to the program. While there is not a great deal of time involved, either for the moderator or the staff person responsible for the show, both must be committed to the success of each program.

If you do not have a "natural" selection for program host, you may want to test several candidates at the TV studio. Some associations have chosen to have a television personality serve as host rather than a lawyer. We find that a lawyer helps the credibility of the program, and that a lawyer



Program Budget

"Ask a Lawyer" TV Show

Dinner before show (3 panelists, 5 secretaries, 1 staff, 1 volunteer from Public Relations Committee, occasionally 1 or 2 spouses of panelists)	$135.00
Program costs	
Studio blocks (use of studio time)	715.00
Lighting designer	15.00
Videotape of program	60.00
Scene design, refurbishing	15.00
Administrative costs	145.00
Producer/Director time	120.00
Telephone (collect calls from viewers)	50.00
Advertising	
ads in newspapers in panelists hometowns (avg.)	300.00
half-page TV Guide ad	350.00
ad production	100.00
Panelists' expenses (mileage - rarely requested)	50.00
TOTAL - per program (approximate figures)	$2050.00

is more likely to know if a panelist's answer needs clarification, expansion or interpretation.

Lawyers and judges are quite willing to appear on the program, and are flattered to be asked. In choosing panelists, knowledge of the area of law being discussed is of prime importance, of course, but you should also be aware of the individual's appearance, voice quality, speaking experience and other more subjective factors. The program cannot meet its goal of being informative unless it is also dynamic and entertaining enough to keep an audience.

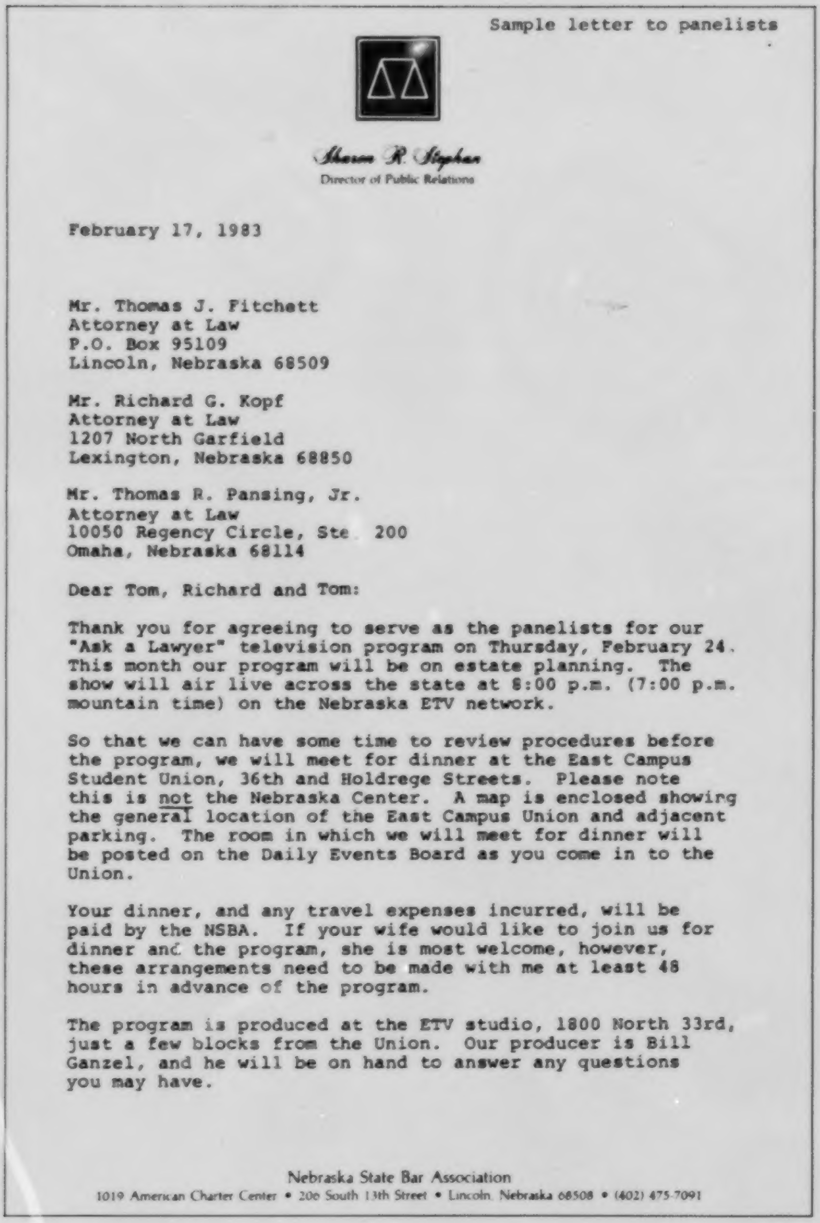
Panelists should represent a cross-section of your bar population: younger and older lawyers, men and women, minorities, and lawyers from all parts of the state (if the show is statewide).

You can get suggestions for panelists by asking members of the executive committee, the House of Delegates, and other committees and sections to suggest names. In Nebraska, panelists are selected by the public relations director and the moderator, usually about three weeks in advance of the program.

To be most useful, the show must be promoted. In Nebraska, we use many promotional methods. We send news releases to regular media mailing lists and special releases to the media in the panelists' hometowns. Paid ads are placed in the newspapers in the panelists' hometowns and in the TV viewing publications. An annual flyer listing all program topics and dates for the year is prepared for posting in libraries, schools, and law offices. A post card mailer is sent to all ETV subscribers, bar members and other interested persons. Promotional spots featuring the program host are aired by the TV station for several days leading up to each show. We also do articles in the bar newsletter.

The information department at the TV station should be willing to assist in publicity. The Nebraska ETV network, for example, does an "Ask a Lawyer is back!" ad at the beginning of each season, an annual program flyer, and monthly news releases on the program. The program provides an excellent opportunity for volunteer activities. The local legal secretaries association has taken this on as an on-going public service project, and five secretaries attend each show to answer the phone calls and take down questions. Members of the public relations committee also help by screening questions at the program, selecting topics and suggesting panelists.

The most popular programs have been on estate planning, divorce, family law, landlord-tenant law, and a general show on which any legal question may be asked. Other topics to consider include: the court system (we used a panel of three judges), real estate, juvenile law, school law, consumer law, bankruptcy, criminal law, employment, and law for the elderly. Special interests of your state or region might lend themselves to additional topic ideas.



Sample letter to panelists

Sharon R. Stephan
Director of Public Relations

February 17, 1983

Mr. Thomas J. Fitchett
Attorney at Law
P.O. Box 95109
Lincoln, Nebraska 68509

Mr. Richard G. Kopf
Attorney at Law
1207 North Garfield
Lexington, Nebraska 68850

Mr. Thomas R. Pansing, Jr.
Attorney at Law
10050 Regency Circle, Ste. 200
Omaha, Nebraska 68114

Dear Tom, Richard and Tom:

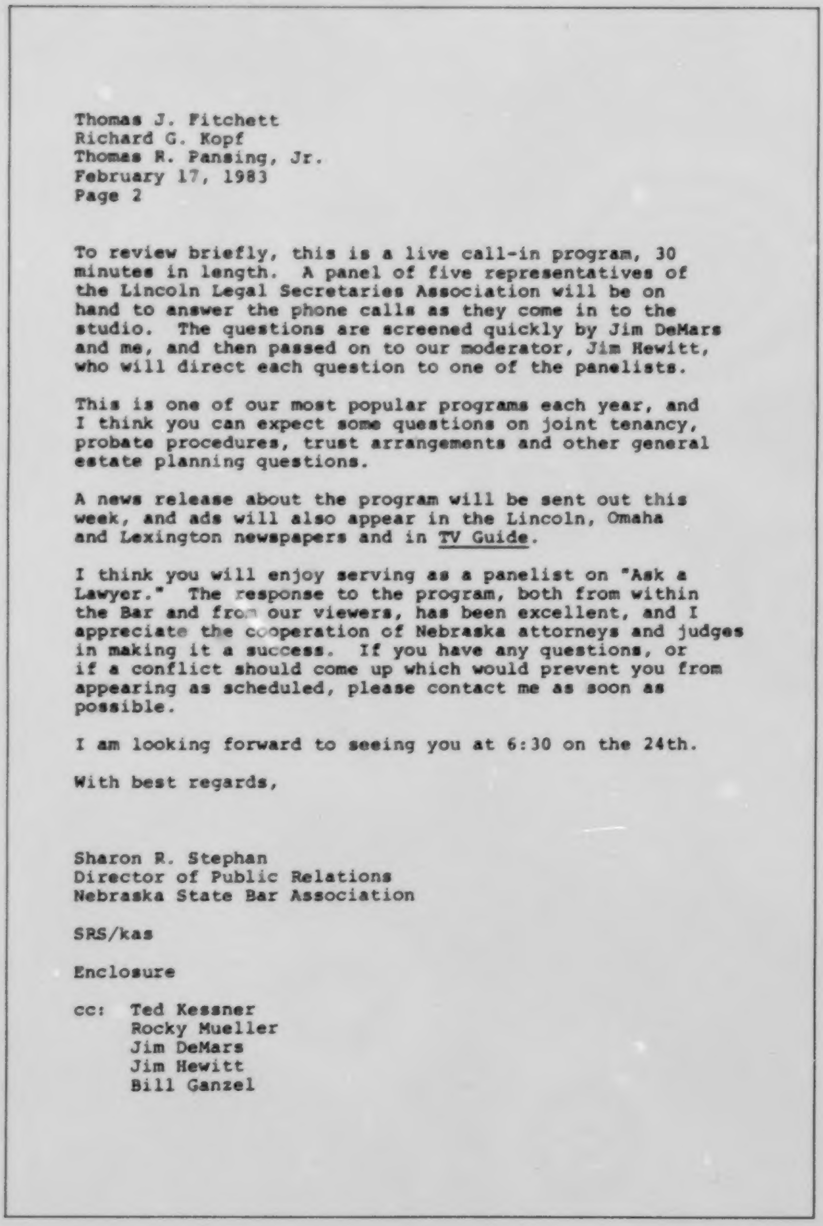
Thank you for agreeing to serve as the panelists for our "Ask a Lawyer" television program on Thursday, February 24. This month our program will be on estate planning. The show will air live across the state at 8:00 p.m. (7:00 p.m. mountain time) on the Nebraska ETV network.

So that we can have some time to review procedures before the program, we will meet for dinner at the East Campus Student Union, 36th and Holdrege Streets. Please note this is not the Nebraska Center. A map is enclosed showing the general location of the East Campus Union and adjacent parking. The room in which we will meet for dinner will be posted on the Daily Events Board as you come in to the Union.

Your dinner, and any travel expenses incurred, will be paid by the NSBA. If your wife would like to join us for dinner and the program, she is most welcome, however, these arrangements need to be made with me at least 48 hours in advance of the program.

The program is produced at the ETV studio, 1800 North 33rd, just a few blocks from the Union. Our producer is Bill Ganzel, and he will be on hand to answer any questions you may have.

Nebraska State Bar Association
1019 American Charter Center • 206 South 13th Street • Lincoln, Nebraska 68508 • (402) 475-7091



Thomas J. Fitchett
Richard G. Kopf
Thomas R. Pansing, Jr.
February 17, 1983
Page 2

To review briefly, this is a live call-in program, 30 minutes in length. A panel of five representatives of the Lincoln Legal Secretaries Association will be on hand to answer the phone calls as they come in to the studio. The questions are screened quickly by Jim DeMars and me, and then passed on to our moderator, Jim Hewitt, who will direct each question to one of the panelists.

This is one of our most popular programs each year, and I think you can expect some questions on joint tenancy, probate procedures, trust arrangements and other general estate planning questions.

A news release about the program will be sent out this week, and ads will also appear in the Lincoln, Omaha and Lexington newspapers and in TV Guide.

I think you will enjoy serving as a panelist on "Ask a Lawyer." The response to the program, both from within the Bar and from our viewers, has been excellent, and I appreciate the cooperation of Nebraska attorneys and judges in making it a success. If you have any questions, or if a conflict should come up which would prevent you from appearing as scheduled, please contact me as soon as possible.

I am looking forward to seeing you at 6:30 on the 24th.

With best regards,

Sharon R. Stephan
Director of Public Relations
Nebraska State Bar Association

SRS/kas

Enclosure

cc: Ted Kessner
Rocky Mueller
Jim DeMars
Jim Hewitt
Bill Ganzel

INSTRUCTIONS TO PANELISTS

"ASK A LAWYER" TV SHOW

1. Keep your answers as simple as possible. Use language which is easily understood by non-lawyers.
2. Ignore all TV personnel who come in and out of the studio during the program. They will give cues to the moderator, not to the panelists.
3. Speak directly to the moderator, not to the camera. The camera will find you.
4. If you do not know the answer to a question, do not answer it. Refer it to another panelist. If a panelist gives an answer which you feel is incorrect, or needs clarification, do not hesitate to speak up. Mikes are on at all times, and we encourage an interchange of ideas among the panelists.
5. You will be seated behind a desk. Do not put papers in front of you, as the microphones will pick up too much noise.
6. Sit up straight and speak clearly. (You would be surprised how much of a problem it can be when the panelists slouch down in their chair, or lean back too far, etc.)
7. Office attire is appropriate.
8. If you get a question relating to fees, you may answer it as specifically as you wish, provided that you explain that your answer pertains only to your office. Do not say anything which would indicate that there are any "set" fees, or fee schedules, in use uniformly throughout the state. Give a range of fees, or an average, or discuss how the fee would be determined without actually putting a dollar figure on it. Encourage people to discuss fees with their attorney at the first visit.
9. Generally, when you are speaking you will be on camera with a head-and-shoulders shot. But the camera also pans the entire panel, and you could be on camera at any time during the program.
10. Have fun, relax, don't be afraid to let a little humor creep into the program. There are no commercial breaks, but the time goes very quickly.

Prior to each show, send a letter to each panelist and legal secretary confirming the date, time, topic and location. We have a dinner before each show, at 6:30 P.M. The program is at 8:00 P.M. This allows me to brief the panelists on program procedures, and prevents them from having a couple of drinks to relax before the show. We arrive at the studio at 7:40 P.M.

The legal secretaries are in the studio throughout the program. Their phones just light up; they do not ring. They are on-camera at the beginning of the show, and their assistance is acknowledged by the moderator at that time and in the credits at the end of the program. They answer the calls, "Ask a Lawyer, may I take your question?" and also ask what city the person is calling from, for our records. The questions are written down, handed to the series coordinator, the bar public relations director, and a member of our public relations committee for review, and then handed to the moderator (off-camera). He must scan the questions you bring him, while at the same time listening to the response being given to the previous question. The show moves very quickly, with perhaps 20-25 questions being answered out of 50-100 that are called in. We frequently offer a bar pamphlet at the end of the show, and give our post office box number for these requests.

Sharon R. Stephan is Director of Public Relations for the Nebraska State Bar Association. For more information about Nebraska's "Ask a Lawyer" television program, contact her at the state bar, 1019 American Charter Center, 206 South 13th Street, Lincoln, Nebraska 68508; 402/475-7091.

PLANNING A TELEVISION SERIES

Patricia J. Horgan

People thirst for knowledge about the law much like a cartoon creature of skin and bones crawling across the Sahara fights to reach some imaginary oasis. Diogenes' search for one honest man was no less avid than the public's search for legal information. For too many years, the legal profession has taken almost a perverse pride in hiding its light under the proverbial bushel.

In the spring of 1980, I decided that the Houston Lawyer Referral Service (LRS) would provide that oasis, to share our truth and offer ready access to the light of the law. No longer should members of our society exist in the complex maze of our legal structure without some basic, down-to-earth knowledge of how those laws apply to their daily lives.

Television was the obvious answer for providing that message. Today, it is expected not only to educate, but to entertain. We rely on that wonderful medium to provide various pieces of the jigsaw puzzle of our existence. Armed with the idea of a televised program to bring law and lawyers to the citizens of Houston, I turned to the most logical of choices, the Public Broadcasting System. That selection was even more appropriate than is evident from the general educational orientation of PBS since in Houston, as in many communities, their affiliate is closely associated with our local university.

It wasn't difficult to win the support of the Houston LRS. My suggestion to the board that a law-related program would be beneficial to the citizens of Houston and to the legal profession as a whole was met with complete agreement. Our show debuted in September 1980 and continued through May 1982, with natural breaks in the summers. This fall, the program resumes with a 90-minute special.

Sometimes it pays to be an innocent; to get the project started, I simply called the general manager of Houston's Channel 8, the local PBS affiliate. At our conference the following week, I briefly outlined my suggestion for the program. My concept was simple: each week a host or hostess would discuss on-camera, with two attorneys who specialized in a particular field of law, a single subject such as landlord-tenant law, employment discrimination, or the purchase or sale of a home. At the same time, off-camera, a panel of attorneys knowledgeable in that area of law would answer questions from viewers who called the studio. The half-hour, live program would air in prime time, after which attorneys on the phone bank would continue to answer viewers' questions for an additional 30 minutes.

The first five-to-seven minutes of the program would be devoted to an overview of the subject matter chosen as the topic for the evening. Then, questions that were phoned in of general interest or particular insight would be brought into the studio for further discussion by the host and on-camera participants.

At the close of my presentation, the general manager handed me a form called a "Program Proposal" and asked me to return it to him for consideration. My balloon had been temporarily deflated, but not burst. A program proposal is somewhat more complex than one might imagine. Describing the program was the easy part. After that, my lack of knowledge of the television industry became a slight handicap. Questions such as ownership of the program, sponsorship, and budget were beyond my ken. Luckily, as in most large communities, there were lawyers in Houston who had some experience in television. I soon learned that the station would set the budget, and all we were expected to provide was our estimate of cost of legal personnel. I had assumed, correctly as it turned out, that members of the Houston legal community would volunteer their services to staff the program. Therefore, the cost of talent for the program was zero.

I next learned that the ownership of the program would be of little consequence. Because we wanted this program to be designed for educational purposes, our only concern was that it not be sold, but be distributed to any and all who wished a copy. The only cost involved was the actual tape and reproduction time. Besides, if the program were produced in a live format, what would there be to own?

When the program was approved for production, PBS's part of the budget showed that the approximate cost would be some $9,600 for 12 weeks of programming. The Lawyer Referral Service agreed to contribute $4,000. The president of the Houston Young Lawyers Association, who had been involved in a program on Channel 8 during Law Week, was enthusiastic about the use of television as a means of bringing lawyers to the public. At his behest, the HYLA agreed to contribute $3,000. "Lawyer to Layman," our program's monicker, became a reality when the Houston Bar Association agreed to a $5,000 donation.

A committee was formed of members from the three sponsoring organizations. The first order of business was to find a host or hostess for the program. It is essential that the person chosen to work with the lawyers on-camera also be an attorney. Television interviewer-type personalities all too often feel a sense of advocacy when confronted with lawyers. They will argue with the attorney-guests as though they must represent the mute audience. We were lucky to find an ideal host in our midst. The Houston attorney chosen had considerable experience in both television production and on-camera performance and was active in private practice.

The most difficult decisions were still before us. In a city of some 12,000 lawyers, needless to say, there exists a surfeit of qualified attorneys in every field of law. However, many factors must be considered when selecting attorneys who will appear on-camera. Knowledge and success are important, but you have to find other qualities too. Some of our most congenial and brilliant lawyers fell to the intimidation of the camera. The committee made up a lengthy list of names from which to select only two lawyers per show. The committee considered experience, qualifications, and charisma in arriving at its choices. We learned as the show progressed that we'd made some mistakes. One of our most outstanding choices, an attorney whose success, knowledge and personal charm seemed to make him an ideal choice, spent the entire thirty minutes of the program staring at his lap to avoid the eye of the camera.

Other considerations came to the forefront when the names of judges

EXAMPLES OF VIEWER QUESTIONS

Subject Matter or Program	Question
Bankruptcy	Can you discharge restitution ordered by a criminal court together with probation?
	If my parents are wealthy and I am heavily in debt, am I better off to file bankruptcy now or wait?
	Is the lawyer on camera with the curly hair single?
Immigration	I am 18. If I marry a woman 57 years old who is a US citizen, will there be a problem in getting my papers?
	If I want to leave the US to live in Cuba, Africa or Afghanistan, do I need to clear it with the CIA?
	Will adultery bar citizenship?
Criminal	Do you have to display a hand gun before it can be considered on or about your person?
	What is your right to protect your property and to shoot someone who tries to steal your property?
	Is the Texas paramour statute still in effect?
	How long is a life sentence?
	If a person shoots somebody in the knee cap instead of blowing his head off, what is the difference in the charge?
	How much cocaine can I have without being charged with sale?
	In the case of a citizen's arrest, when is the defendant read his rights?
Personal Injury	I was thrown off a mechanical bull in a club and injured. Can I recover damages?
	My dog barked at a man who subsequently had a heart attack. Can he sue me for his medical bills?

(Viewer's Questions Cont'd)

Personal Injury	If I get beat up in a fight in a bar, can I sue the guy who hurt me?
	Can I get an injunction to prevent psychic harrassment from a psychic?
	If a person was working on the job and another person came onto the job site and tried to kill them, could they recover under Worker's Compensation?
Wills and Estates	Wife died seven years ago with will. Husband did not probate will. They had house and children. Can he probate will now to clear title to the house?
	Must a hand-written will be witnessed?
	What does per sterpes mean?
	What are the rights of a deceased spouse to the community property?
	Can homesteaded property that has been passed down from generation to generation be left in a will?
Real Estate Sales and Purchases	What can I do about a bad home-owner's association that refuses to allow big dogs on the elevator but allows smoking?
Professional Malpractice	Can you file a malpractice suit against a judge?
	Had circumcision done and it is unacceptable cosmetically. Trouble with sex life. What can he do about it?
Patent and Copyrights	Is it copyright infringement for a church to buy a piece of music and then Xerox it and distribute it for use in performance?
	I made an invention and told my boss. What can I do when he gets a patent and names himself as the inventor?
Worker's Compensation	What if they fire me after I have settled my claim?
	Can you get worker's compensation if you are disabled because of exhaustion attributable to working 85 to 95 hours weekly?

were considered. Members of the committee were especially cautious in selecting only judges who were not running for office at the time the program would air. However, an additional problem developed when an attorney and a judge were paired on the same program. Because the attorney was likely to appear before the judge in his courtroom at some time subsequent to the program, he often deferred to the opinion of the judge during discussions of legal points. In later seasons, we stopped using judges as panelists for that reason.

Once the two lawyers for a show were selected, the committee felt it essential to have two additional attorneys as back-up in the event of an emergency at air time. Those back-up attorneys were asked to participate on the show as telephone answerers off-camera so that they would be present in the station if they were needed. In the first season, which began in September 1980, we produced 12 weekly programs in prime time that used only 24 on-camera attorneys out of some 12,000 practicing in Houston. One can well imagine how difficult the committee found the selection process.

Committee members met with each attorney selected to request his or her participation in the program. As producer of the program, I then wrote each of those attorneys, describing the format and giving them specific times to appear at the studio. I also advised each of them of the name of the other attorney who would appear on the program. Two days prior to each show, the on-camera participants were again called to assure that they would be present at the appointed time, an hour before air time. In the rare instances where an attorney was unable to be on the show because of an out-of-town trial or illness, the back-up attorney was alerted.

Obtaining a sufficient number of attorneys to answer telephones was a simple, but time-consuming project. As director of the lawyer referral service, I had at my fingertips long lists of attorneys practicing in every field of law. Also, the HYLA was very helpful in locating attorneys knowledgeable about a specific legal subject. Most of the attorneys who answered the telephones for the program had been in practice a minimum of three years. Each week, at least two lawyers who were true experts and capable of on-camera participation were in the phone room answering questions and available to expand on or clarify a question for less experienced lawyers in the room. The telephone answerers were asked to be at the studio thirty minutes prior to air time. They were taken on a tour of the studio and instructed in handling telephone inquiries. The attorneys were told that, inasmuch as they would not be on-camera, that they were free to dress in comfortable clothes. Name tags were distributed in order to help create a sense of camaraderie.

Because under no circumstance did we wish the station or the public to think the purpose of the program was to create business for attorneys, all phones were answered "Lawyer to Layman." The attorneys on the phones were asked not to identify themselves but to respond to a request for their name by stating that they were only there to perform a public service. If callers needed additional legal assistance beyond the answer given, lawyers advised them to contact the bar's lawyer referral service.

As the show progressed, our ratings increased, and at one point the "sweeps" showed that we had built an audience of some 40,000 homes in the Houston area. An indication of interest in the law? Very much so. This came as no surprise to those of us involved in producing the program, since we averaged over 100 telephone calls in the hour that lawyers took questions each week. Surprisingly, the program that drew the most phone calls was that on wills and estates when we received 183 calls. One of our most widely publicized programs was on immigration, when 11 foreign languages were represented by the attorneys participating on the phone bank.

We found ranking the programs in the order of viewer response was of tremendous assistance in subsequent seasons when we were choosing subjects to repeat. Sometimes external circumstances accounted for the low response to particular programs. For example, a snow storm one night and President Carter's 1980 concession speech coming during our program drew viewers from "Lawyer to Layman."

On two separate occasions, the telephone system caused a near disaster. The phone lines refused to rotate in succession, as they were designed to do. As a result, all calls came in on the first line, giving a busy signal to subsequent callers. Without phone calls, we had no questions for our panelists. The wisdom of having attorneys who truly know the field of law answering phones became apparent during our first technical problem. It was a simple matter for the attorneys in the phone room to delve into their personal experiences and write questions they had been asked by clients previously. The next time gremlins invaded the phone system we were ready.

Before we completed our first 12 programs, we were asked by the station to continue the program through the spring. We only had $3,000 left from the initial contributions, but it was enough. The station accepted the money we had on hand as our total contribution for the next 16 programs and picked up the remaining costs. The spring of 1982 was an excellent season for the program, because we initiated a new concept. Of the sixteen programs aired that season, eleven were in the live format and five were taped documentary-style programs suitable for distribution throughout Texas. These programs covered: the courts in Texas; a mock civil trial; a mock criminal trial; jury duty; and law as a career. We used only one long day and a camera crew of two for each show. On several occasions, this amounted to setting up in five-to-seven separate locales

LAWYER TO LAYMAN
PROGRAMS OF 1980-81 SEASON
RANKED IN ORDER OF VIEWER RESPONSE

		Calls
1. Wills	Dec. 16, 1980	184
2. Immigration	Nov. 18, 1980	178
3. Landlord/Tenant	Feb. 3, 1981	155
4. Income Tax	March 3, 1981	143
5. Criminal	Nov, 25, 1980	137
6. Real Estate Sales & Purchase	Jan. 27, 1981	134
7. The Legal Profession	Jan. 6, 1981	134
8. Small Business Law	Jan. 20, 1981	128
9. Buying & Selling Home	Oct. 28, 1981	124
10. Personal Injuries	Dec. 9, 1980	123
11. Debtors & Creditors	Nov. 11, 1980	114
12. Landlord/Tenant	Oct. 21, 1980	112
13. Criminal	Feb. 17, 1981	108
14. Patent & Copyright	March 24, 1981	107
15. Use of the Courts	May 19, 1981	106
16. Taxes	Dec. 23, 1980	105
17. Bankruptcies	March 3, 1981	105
18. Immigration	April 21, 1981	104
19. Workers' Compensation	April 7, 1981	100
20. Separation & Divorce	Sept. 30, 1981	100+
21. Family Law	Jan. 13, 1981	97
22. Professional Malpractice	Feb. 24, 1981	97
23. Wills & Estates	May 12, 1981	86
24. Personal Injury	April 14, 1981	77
25. Proceedings After Divorce	Oct. 7, 1980	72
26. Job & Housing Discrimination	Oct. 14, 1980	68
27. Consumer & the Law	Nov. 4, 1980	68

in a twelve-hour period. An additional day was devoted to editing the tapes of each program, and a subsequent half-day for superimposing title and names in the studio and integrating the lead-in, music, and credits.

This highly complex effort consumed some fifteen days (over a period of three months) for the writer and the attorney-host. The time and effort expended has proven very worthwhile, though, because the women's auxiliary of the bar association has taken as its yearly project the reproduction and distribution of those five documentaries throughout the Houston and surrounding county school districts. The programs are now available in over 350 schools.

The value of a community law-related television program cannot be measured accurately, but the comments we have received from calling viewers as well as those who wrote the station all show that we have taken a big step toward our goal of educating the public about the bar. Lawyers came before the public in an informal exchange of information, and viewers felt a part of the on-camera conversations. The normal passivity of the television viewer was transformed into active participation by the ability to call and talk with the lawyers at the station. Law-related educational television is one path we can follow to tell the general public that lawyers are willing and eager to share legal information.

Patricia J. Horgan is Executive Director of the Lawyer Referral Service of the Houston Bar Association. For more information about the "Lawyer to Layman" television series, contact her at the referral service. 707 Travis, Suite 1350, Houston, Texas 77002; 713/237-9445.

GETTING A LOCAL BAR ON THE AIR

Leroy K. New

Early in 1975, the Public Broadcasting System televised a film entitled, "The Lawyer's Role in Perspective." The lawyers of Indianapolis found the film abrasive and decided to challenge the negative image of lawyers it painted. Our professional house was in order. We intended to show it.

The Indianapolis Bar Association, with about 2,400 members, in cooperation with the Indianapolis Bar Foundation, moved to respond decisively through positive action. The local PBS affiliate agreed to air a program on the law that we would produce.

We focused on reaching the adult population of Marion County. A series of programs were designed to respond to the basic problems faced by most citizens: bankruptcy, marriage and divorce, children and the law, wills and estates, consumers and the law, rape and "How 'Just' is Justice?" Some were taped, but most were live with call-in questions. We called it simply, "Ask A Lawyer."

The approving response by the public was overwhelming. Nestled inside the rapid fire dialogue was a repeated telephone number: the number for the Indianapolis Lawyers Referral Service, should the viewer not be acquainted with a lawyer.

As a result of the program, calls for lawyer referrals nearly doubled to an average of 55 calls a day. The television station itself received calls for further help. Most importantly, lawyers came through the television screen into the living rooms as decent, honorable, sincere professionals, genuinely interested in public service. The "hairy monster" which Senator John Tunney (D-Calif.) in the national program referred to as "only a money grubber" simply faded into oblivion in Indianapolis.

Because of the great number of telephone calls and letters to the TV station, "Ask A Lawyer" continued into 1981. Every Thursday night at 7:00 P.M., the Indianapolis Bar Association aired a new panel covering another subject of vital public interest. Simultaneously, the speakers' bureau contacted public schools to seek speaking time at every level from elementary to high school, met formally and informally with students, and literally saturated the community with live, practicing professionals for all to see.

The result was most surprising. Students were delighted to see lawyers without horns and tails. The warm dialogue between the youth and the barrister did far more than self-praise or paid commercials could ever accomplish. Practical, piercing inquiries were fired at our members. The result was repeated requests for return engagements. The youngsters wanted more.

The theme, "Ask A Lawyer," was picked up by the Young Lawyers of the Indianapolis Bar Association. On Law Day, annually, booths are established in shopping centers, where legal inquiries are fielded and advice given. It is called, "Ask A Lawyer Live."

As the television show increased in popularity, neighborhood groups—spontaneous circles—formed each week to discuss and view the show in someone's home. Invariably, questions would be called into the studio during the show from these groups.

Here are some mechanics in getting a show like this started. We contacted the television station, a PBS affiliate, by letter. The bar association merely pointed to public interest in lawyers as evidenced by the national film broadcast. Citizens need to know more about the law, the letter asserted. We requested a meeting with the station manager. It is important to sell the manager on the show and the need for a prime time slot. Our program was generally aired from 7:00 to 7:30 P.M. on Thursdays.

We proposed that the bar association pay nothing for the air time. However, the Indianapolis Bar Foundation reimbursed the station approximately $200 for the stage set, which included a backdrop, a table and a vase of flowers.

The self-imposed guidelines initially established were: panelists were not to be or become argumentative; were not to get bogged down in discussions of legal opinions; were to avoid "legalese"; and were not to evade touchy or controversial subjects such as fees, undue influence or rape. Pending cases were never discussed. The dress code required neatness, a coat and tie, and no smoking.

Association staff selected panelists who would provide a variety of opinion and be a general cross-section of practitioners in the area of the law being discussed. Women attorneys provided excellent insight and experience to the panel. Occasionally, all panelists were women. On other shows, all panelists were sitting judges.

Panelists met, for the first time, at noon the day of the show. The association picked up the tab for a modest lunch. Subjects were selected by the association staff from lawyer referral requests. We extracted the most asked-for topics by citizens seeking attorneys.

Likewise, we selected the in-station telephone answering group (five people) essentially for public relations reasons. After all, this group constituted the people receiving the calls directly from viewers. If questions were inappropriate, they needed to be diplomatic.

Call-in questions were simplified to allow the show to flow quickly from question to question. Callers were asked to confine questions to the subject being discussed. Each question was handed to the moderator, then panelists were asked the question directly from that note. The "screening" by the telephone panel was for appropriateness, brevity and clarity. The questions have to be understandable or the answers won't matter at all.

The show was on the air 27 minutes. In that period, panelists often answered, directly and crisply, between 30 and 40 questions without duplication. If the question required a detailed response, the panelist often would decline to answer and refer the caller to the lawyer referral service for a specialist who could give a more complete response to the question. When this was done, explanation was given on the air to the viewer so as not to appear to duck the issue. The secret to success, we believe, is honesty and clarity. We seldom dwelled on any question as long as a minute. Obviously, this required the panelist to move directly to his answer, without equivocation or evasion. If another panelist disagreed or wished to add a comment, he or she did so spontaneously.

Equally important to the success of the show is the moderator. He or she should be an experienced attorney, known personally by the panelists. This permits an easier exchange between the moderator and panelists. The moderator should also know the medium and be comfortable before the camera. The same moderator should host the show each week to provide "identification" with the viewing public. The moderator thus becomes the point of identity each week and encourages the viewer to respond with live questions. As the show gained popularity, some questions were called into the TV station before the program was on the air. These were used along with questions called in during the show.

Clarity and candor: these elements add essential credibility to panelists. They must be the watchwords.

"Ask A Lawyer" was an entirely local bar production. Any bar association following these guidelines, with limited resources but the inspiration and drive to put the show together, will succeed.

A direct clue to the success (or failure) of the show comes from the camera crew in the studio. After each show, these people manning cameras would continue the dialogue, comment on questions or answers given, contrary to the usual silence from those technicians. If the panel captured their interest, they captured that of the viewers as well.

A word of caution. The station also asked our telephone panelists, all lawyers, to seek names and addresses from callers. We declined. We felt it bordered on solicitation and destroyed anonymity, vital to the free expression of questions by viewers.

Our show is currently off the air, primarily because the station sought to alternate weeks with other crafts, such as bankers or home repair groups. The sole purpose of "Ask A Lawyer" in our judgment, is to provide the public with professional, top-grade presentations each week. If the show succeeds, it is prime time public relations for lawyers. It cannot be intertwined with building trades or bankers without losing its identity as a law-related presentation.

Extending the show to one hour, likewise, was rejected. The show demands direct, quick, hard-hitting responses to viewers' questions. Doubling the length of the show time, we believe, would permit it to drag and become too verbose.

At present, another commercial television channel wants the Indianapolis Bar to continue the show on a weekly basis with network affiliation across five states. The format is the same, no cost to the association, air time to be paid solely by the originating station.

We are proud that one executor under a will was directed to bequeath a specified sum of money to a "law-related" program. He chose the local PBS station to receive the bequest because of the success of "Ask A Lawyer."

Leroy K. New is an attorney in private practice and a member of the Indianapolis Bar Association. For more information about this "Ask a Lawyer" television series, contact Rosalie Felton, Executive Director, Indianapolis Bar Association, One Indiana Square, Indianapolis, Indiana 46204; 317/632-8240.

FLYING THE AIRWAVES WITH PSA's

Robert S. Peck

The preceding was presented as a public service by _________ and this station. Fill in the blank in that statement with any civic organization, and you've heard it said thousands of times. That's because it is a typical tag line for a public service announcement, or PSA—those short TV and radio messages that urge you to register and vote, quit smoking, call a suicide hotline when depressed, or attend a free lecture.

Broadcasters air the advertisements to fill unsold commercial space and to satisfy a requirement of the federal Communications Act: "to operate in the public interest." This doesn't mean a station must run PSA's; it merely requires that there must be a minimum amount of public service programming. However, most stations recognize PSA's as a form of fulfilling that public interest obligation.

Generally 30 or 60 seconds long, PSA's can be a valuable part of your public education program. You would be surprised how much information can be packed into a brief spot without obscuring the basic message. A well-done spot gets its retention value from its impact and from repetition. Television wizard Tony Schwartz advises producers to design spots that strike a responsive chord—hit home—for the viewer. Only then do you make the message memorable. This can be accomplished by building your announcement on the viewer's preexisting interests, concerns or feelings about law. What's more, information in the ad that may not have been noticed on the first viewing can be gleaned during subsequent airings, while reinforcing the original message.

PSA's can be used directly to educate the public about law, announce an educational program, or a combination of the two. Much like the 1976 Bicentennial Minutes that highlighted events in American revolutionary history, an educational PSA can focus on important individual rights and responsibilities. Or it might follow the time-tested question-and-answer format in addressing common legal problems.

The messages are also a good way to let the public know about your public education programs. Whether you are announcing a free course, publication or one-time event, a PSA allows you to reach out into the community to an interested public that needs to know what you have to offer. Some of the most effective of these announcements combine an educational purpose with promotion of a particular program. Frequently, they begin with a sampling of the educational program being offered and follow with "to learn more about how the law affects you send for our free booklet," or "attend our free course."

PSA's come in two forms: live copy and prerecorded. Live copy PSA's are simply scripts that will be recorded by station announcers. They are used frequently on radio. For television, they are often read over one or two slides that illustrate the script. If you don't have any appropriate slides, television stations will often produce them for you without charge or for a token fee. Obviously, a good slide must have visual impact.

Some radio and TV stations will allow you to use your own announcer—a representative of your program or organization—for a live copy PSA.

Prerecorded PSA's have potential for greater impact, largely because they are not limited to a standard format. You have an opportunity to use better visual imagery as well as sophisticated production techniques. Naturally, they tend to cost more to produce, but they are also more likely to enjoy a long run on the air.

Unless the tape you produce is of good quality, it will not be used. If you make the decision to do a prerecorded PSA, find a capable producer. Some stations will help you with production and allow you to use their facilities and crews. If you find a station willing to help, it is also more likely to broadcast your finished product.

Using celebrities in your prerecorded PSA's is one way to gain wider attention. The Philadelphia Bar, for example, has used both actor John Houseman of "The Paper Chase" and Judge Wapner of "The People's Court" to call attention to their free legal hotline. The Michigan Bar keeps close track of celebrities passing through Detroit and frequently succeeds in getting them into a studio for 15 minutes to record a scripted announcement. However, celebrites are not the only route. The Wisconsin Bar has had much success with PSA's featuring its president advertising a consumer guide.

How do you get your message on the air?

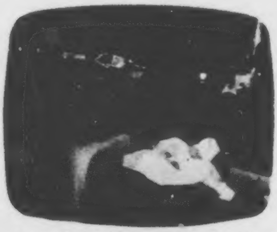
First, you need to know the PSA requirements at each station you plan to approach. Some stations will only use live copy PSA's; others limit the messages to 30 seconds. It is useful to survey radio and television public affairs (sometimes public service) directors to determine preferred formats, lengths and types of PSA's. Some state and local broadcasters' associa-

"SEARCH WARRANTS" (AMERICAN SAFEGUARDS)

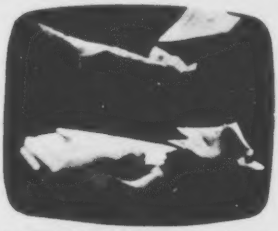
Presented as a public service by the American Bar Association

:30 PSA

ANNOUNCER (VOICE OVER): A stranger violating...



...personal and intimate belongings in a home.



Is the stranger a burglar or a policeman searching because of an anonymous tip?

LEON JAWORSKI (ON CAMERA): Well, this "Whodunit" is easily solved.
It wasn't the police, because they must have search warrants...

...and only a judge convinced there is a reasonable basis can issue one.

ANNOUNCER (VOICE OVER): A message from the American Bar Association.

tions publish a helpful PSA guide. To find out if one exists for your area and how to get it, call any station's public affairs director.

The survey results should help you satisfy each station's requirements. Remember, they don't have to use your spots, and they get requests from many other worthwhile sources. To get on the air, the spots must meet the station's needs, evidence good quality, and truly fill a public service need. The public affairs director will determine when and how frequently your PSA will be shown.

After designing the spots to the stations' specifications, it is up to you to place the messages. Mail live copy scripts directly to the stations. A two-step process is necessary for prerecorded PSA's since cassettes and videotapes, the two most popular media, are expensive. Step one is another survey. Send the script to the public affairs director, along with a fact sheet about the information or event featured in the spot. The fact sheet should also include a sketch of the sponsoring organization, noting its nonprofit status if applicable. The cover letter should emphasize the public service aspects of the announcement offered. Finally, include a prepaid postcard that allows the station to order the free prerecorded spots. Only then will you complete the process by sending the materials to interested stations.

After the spots have aired, and you have received the public feedback that indicates your effort was successful, conduct a third survey of public affairs directors. Stations are not required to keep records of which announcements they use in its public service slots, though some do anyway. A postpaid survey can help you determine whether and how frequently your spots were used, whether the station received any public response to the messages, and whether the station will welcome more PSA's from you in the future. This survey can, of course, be conducted by telephone or in person. Stations that air the spots should receive thank you letters from the president of your organization.

With a PSA, you can broadcast your public legal education message over valuable air time to a wide audience without having to pay for the privilege. It brings you a visibility and an audience that you might not otherwise achieve. The effort can pay rich dividends to your program.

REACHING THE PUBLIC THROUGH RADIO

Carol Utley

Public opinion surveys have shown that the more people know about law, the more they are inclined to respect it and understand the responsibilities of lawyers.

This particular axiom was first recognized by the Arkansas Bar Association several years ago. As a result, the association established a speakers' bureau for use by schools and civic organizations around the state.

In 1979, the Public Information Committee engaged the services of a professional research organization to find out what the Arkansas public knew about law and lawyers.

The findings, though somewhat typical of national survey results, did reveal that Arkansans had a slightly higher opinion of lawyers than Americans held overall. But, despite the one bright spot, lawyers in the state were deemed inaccessible to the public, and most people felt that fees were too high.

Because of these findings, the speakers' bureau was viewed as a much more important segment of the association's public service effort than ever before. The bureau already existed and, through it, the public could learn more about the legal profession and hopefully gain a better understanding of what a lawyer has to do to earn a fee. At the same time, it helped them realize that law is not generally practiced from an ivory tower.

To accomplish the goals of greater public understanding, we concluded that the most sensible approach was to use the speakers' bureau to educate and inform, but also to use the broadcast media to make lawyers accessible to more people. Because of the general format used by most stations, radio seemed to best lend itself to our needs.

Generally, people are afraid to call a lawyer because they imagine a meter, much like a cab driver uses, attached to the attorney's telephone. They see the phone ringing, the attorney answering the call, and a bill being prepared before the call is over.

It is because of this image that lawyers on radio talk shows are so popular. The interview represents "free legal advice" to the public and, therefore, yields many listeners. Station program directors are well aware of this, too.

To establish the program, the bar's communications director visited each of the state's radio stations to help develop a better rapport and to educate them about the association's public education effort. It was during these visits that the services of the speakers' bureau were offered.

Every commercial radio station is required to devote a portion of its air time to public service programming and activities. This requirement by the Federal Communications Commission offers bar associations an excellent opportunity. Many times, a station would rather not use canned public service announcements to meet the FCC requirement, preferring to substitute interviews or panel discussions on topics of community interest. Those stations will be the first to accept your offer to supply speakers on a regular basis.

Some stations may already have public affairs programs and will come to you seeking the cooperation of the bar association in furnishing speakers. Take advantage of this opportunity to set up a *regular* program schedule and build better relations with the station. Even if the station shows no interest in a regular program, the program director will remember your willingness to help on a one-time basis and may on some other occasion be more receptive to the idea.

The following suggestions may help in establishing your radio programs:

1. If you do not already have one, establish a statewide (or city, county) speakers' bureau.
2. Once a list of speakers is compiled, contact the radio station manager, public affairs director, or program director (depending on station size) to advise him or her of the association's desire to put on a program or series of programs at the station. A list of radio stations and their personnel is available through any broadcasters' organization in your state. Next, arrange to meet the key decision-maker to discuss the availability of time, desired topics or subjects, and the format for the program.
3. Once the date is set, arrange for a speaker to appear on the program. Begin planning early to allow plenty of time to secure a qualified participant and to prepare for the presentation. Once you have a commitment from the speaker, confirm the engagement in writing. It is a good idea to make a follow-up call as well the day before the program.
4. Try to get press coverage prior to the program by sending your local newspapers a press release announcing the program. Most radio stations will also promote programs and guests prior to air time.
5. After the program airs, you may wish to send a standard letter of appreciation to speakers. If the program is only a one-time engagement, you may also send a letter to the program director offering further assistance in planning programs and thanking the station for its cooperation. In some cases, a follow-up telephone call may be appropriate.

ARKANSAS BAR ASSOCIATION
SPEAKER'S BUREAU

The Arkansas Bar Association has maintained a speakers' bureau for many, many years. Through these years hundreds of lawyers have spoken to various civic, religious and special interest organizations all over Arkansas.

If you would like to participate in the Speakers' Bureau, please fill out the form below and indicate those areas of law about which you would be willing to speak.

Please complete this form even if you have previously participated in the speakers' bureau. Mail your completed application to:

Carol Utley
Arkansas Bar Association
400 West Markham
Little Rock, AR 72201

If you have any questions about the speakers' bureau, please call toll free (outside Pulaski County 1-800-482-9406) or 375-4605 for Pulaski County residents.

Name ______________________________

Telephone Number ______________________________

Address ______________________________

City, State, Zip Code ______________________________

County ______________________________

I am willing to speak to groups in neighboring cities. ☐ Yes ☐ No

I am qualified to speak on the following topics:

- ☐ Adoptions
- ☐ Alcohol Abuse
- ☐ Anti Trust
- ☐ Arkansas Government/Governmental Law
- ☐ Bankruptcy
- ☐ Business Regulations
- ☐ Buying or Selling a Condominium
- ☐ Buying or Selling a Home
- ☐ Cameras in the Courtroom
- ☐ Careers in Law
- ☐ Child Custody
- ☐ Civil Justice System
- ☐ Civil Rights
- ☐ Community Property
- ☐ Constitutional Law
- ☐ Consumer Law
- ☐ Contracts
- ☐ Continuing Legal Education
- ☐ Copyright Law
- ☐ Corporations and Partnerships
- ☐ Creditor's Rights
- ☐ Criminal Justice System
- ☐ Criminal Law/Code
- ☐ Death Penalty (Defense)
- ☐ Debtor's Rights
- ☐ Divorce
- ☐ Domestic Relations
- ☐ Drug Abuse
- ☐ Employment Discrimination
- ☐ Environmental Law
- ☐ Estate and Gift Taxes
- ☐ Estate Planning
- ☐ Ethics
- ☐ Father's Rights (Divorce and Custody)
- ☐ Federal Legislation
- ☐ Federal Taxation
- ☐ First Ten Amendments (Bill of Rights)
- ☐ Helping Laymen Identify Legal Problems
- ☐ Homestead Exemption
- ☐ Immigration & Naturalization
- ☐ Insurance
- ☐ International Law
- ☐ Irrevocable Trusts
- ☐ Joint Tenancy Ownership
- ☐ Juvenile Court System
- ☐ Juvenile Law
- ☐ Labor Law
- ☐ Landlord/Tenant Law
- ☐ Lawyer Advertising
- ☐ Lawyer Referral Service
- ☐ Legal Education
- ☐ Legal Fees
- ☐ Legal History
- ☐ Legal Services for the Poor/Elderly
- ☐ Legislative Process
- ☐ Life Insurance
- ☐ Medicare/Medicaid
- ☐ Mentally Disabled and the Law
- ☐ No-Fault Auto Insurance
- ☐ Patents/Trademarks
- ☐ Pensions and Profit Sharing Plans
- ☐ Planning & Zoning
- ☐ Prepaid Legal Insurance
- ☐ Preservation Law
- ☐ Probate Law
- ☐ Public Defender System
- ☐ Qualified Retirement Plans
- ☐ Real Property
- ☐ Revocable Trusts
- ☐ Religious Freedom/Patriotism
- ☐ Sale of Home and Probate
- ☐ Science, Technology and the Law
- ☐ Securities/Securities Fraud (State and Federal)
- ☐ Small Claims Court
- ☐ State and Local Taxation
- ☐ Social Security
- ☐ Taxation
- ☐ Tax Reform
- ☐ Tax Shelters
- ☐ Time-Share (Real Estate)
- ☐ Torts
- ☐ Traffic Law
- ☐ Trials (Judicial System)
- ☐ Unemployment Compensation
- ☐ Wills and Trusts
- ☐ Workers' Compensation Law
- ☐ Other ______________
- ☐ Other ______________
- ☐ Other ______________
- ☐ Other ______________

Topics

1 ______________________________

2 ______________________________

At first, only a few stations used our speakers, and most of the stations that did only asked for one or two programs. Later, however, some of the smaller rural stations established a regular program. In that same year, a metropolitan station with enough power to broadcast to the entire state invited our help. That was a big breakthough, since the station went on to put a lawyer on the air one hour every two weeks. The show has been running for almost two years. The show is scheduled for the same hour on the same day and, as a result, has a regular listening audience. Public response has been overwhelming. The phone lines light up the instant the show begins, and there is never enough time to answer all the calls or questions.

Your initial success with a radio station will bring new opportunities. By helping a program director two or three times to execute a well-aired show, he or she may come to depend on your help. Your speakers' bureau then becomes a reliable, invaluable resource from which to plan weekly programs. This is particularly true when it comes to a station with a talk-show format. These program directors are filling many hours of air time with various guests and welcome your help.

One obstacle when dealing directly with a talk show host is the changing personnel at most radio stations. On one program in Arkansas, the host had been in contact with the speakers' bureau about every other week for several months. Suddenly, the calls stopped. After a brief investigation, we learned that the host had been hired by another station and left the station the same day. If a personnel change like this is not carefully monitored, an ongoing radio show can die an untimely death. Most radio personalities taking over a new time slot are willing and anxious to accept the suggestions from anyone when planning their schedule. Make sure the bar makes its speakers' bureau available pronto!

Carol Utley is Communications Director of the Arkansas Bar Association. For more information about getting speakers on radio, contact her at the state bar, 400 West Markham, Little Rock, Arkansas 72201; 501/375-4605.

GETTING LEGAL INFORMATION IN NEWSPAPERS AND ON RADIO

Ty Warren and Melissa C. Gwin

When the communications staff of the Mississippi State Bar decided to create a program to increase public understanding of the law, it formulated an effort to reach as broad an audience as possible in an economically feasible manner. In other words, to follow the guidelines of most bar executives: "Reach the state's population, but don't spend much money."

After studying the capabilities of the staff to determine what was feasible considering in-house talents and already established contacts, we decided to create a question-and-answer format for radio and newspapers. For the purpose of continuity and public name identification, the newspaper column and the radio show would bear the same name—*Point of Law*. We felt a common title would reinforce the two efforts in the public's mind.

We selected newspapers and radio as the most cost-efficient media. They often serve two different publics. Music and news formats on radio are designed so that an organization or advertiser can reach particular segments of the population. Newspapers, on the other hand, are more often the information tool of a broader age base, but more highly educated, population.

Newspapers allow more in-depth coverage of an issue or subject because of an individual's ability to refer back to copy should the first reading be unclear.

Radio is the opposite. The message must be clear, simple and fairly short. Generally speaking, you must repeat important points if listeners are to retain the message.

It is sadly true that many of our communications efforts are simply trial balloons that are sent airborne to wander freely and eventually be glimpsed by an appreciative public. Perhaps it would be far better to place a sign near the balloon's launching area which says, "Look up! Trial balloon 500 feet ahead." Then any interested party would know what to look for, when and where. The audience must be helped to find the information you wish to deliver.

You can provide a road sign of sorts for radio and newspaper through repetition. Create a masthead for the newspaper column that is used by all newspapers that subscribe. You may even suggest to the editor where

POINT OF LAW

Mississippi State Bar

PRINT JANUARY 12, 1983

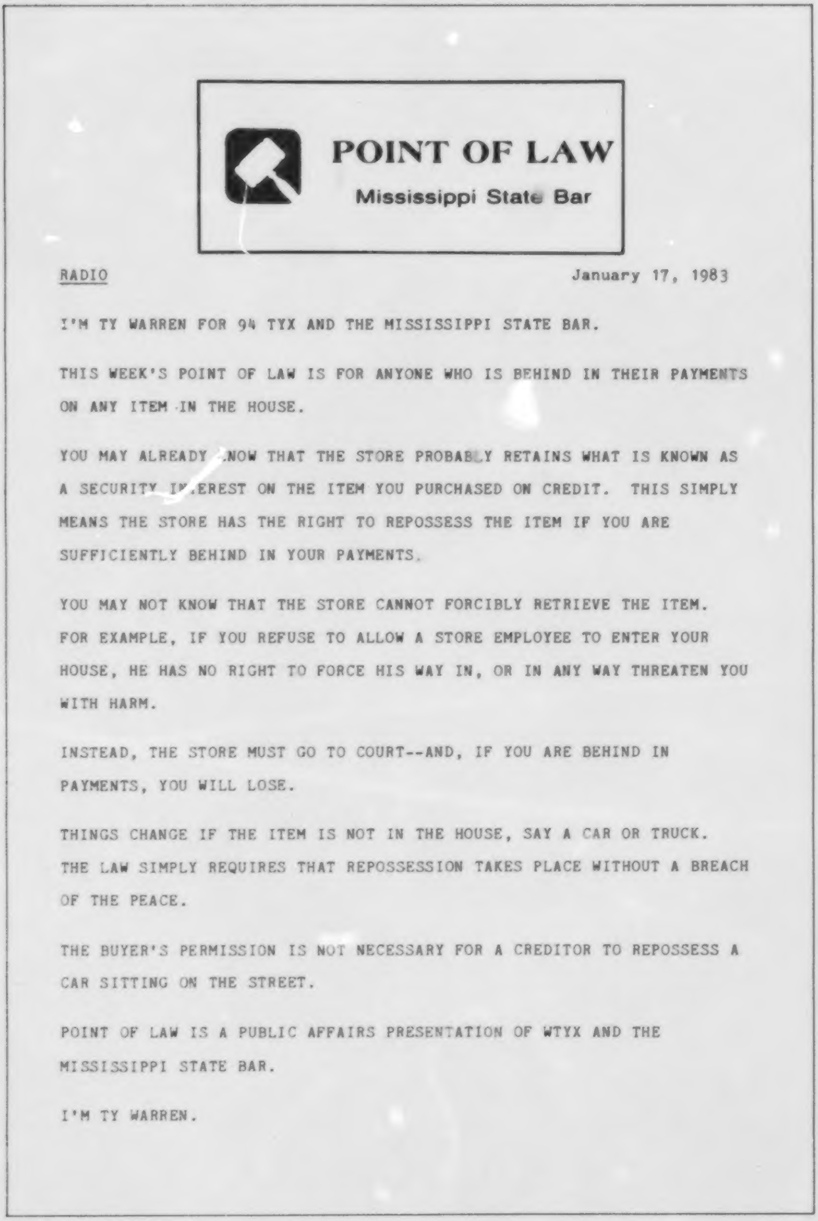
(Prepared by the Mississippi State Bar. Some legal rights may vary from locality to locality. Always consult an attorney when in doubt about your rights.)

Q: WHAT ARE THE RIGHTS OF AN INDIVIDUAL WHEN A CREDITOR ATTEMPTS TO REPOSSESS FURNITURE OR HOUSEHOLD ITEMS?

A: If an individual buys an item, such as a television, from a store, and pays for the item over a period of time, the store will probably retain what is known as a security interest in the item. If the buyer has signed an agreement giving the store a security interest in the item, then the store will usually have the right to come and retake or "repossess" the item if the buyer does not make his payments. However, the store can only repossess the item itself if it can do so without a breach of the peace, or disturbance. If the buyer refuses to allow the store employee to enter his house and retake the item, the store employee may not force his way in or threaten the buyer with harm. Instead, the store must bring an action in court to regain possession of the item. The buyer should be aware, however, that if he has not made payment, the store generally does have a legal right to retake the item eventually.

Q: CAN A CREDITOR RETAKE A CAR OR TRUCK WITHOUT THE OWNER'S PERMISSION?

A: Since a car or truck is not kept indoors as are the household items discussed in the question above, the creditor with a security interest in a car can usually repossess the car when the buyer defaults in payments. Again, the law simply requires that the repossession take place without a breach of the peace. The buyer's permission is not required in order for a creditor to repossess a car which is sitting on the street.



POINT OF LAW

Mississippi State Bar

RADIO January 17, 1983

I'M TY WARREN FOR 94 TYX AND THE MISSISSIPPI STATE BAR.

THIS WEEK'S POINT OF LAW IS FOR ANYONE WHO IS BEHIND IN THEIR PAYMENTS ON ANY ITEM IN THE HOUSE.

YOU MAY ALREADY KNOW THAT THE STORE PROBABLY RETAINS WHAT IS KNOWN AS A SECURITY INTEREST ON THE ITEM YOU PURCHASED ON CREDIT. THIS SIMPLY MEANS THE STORE HAS THE RIGHT TO REPOSSESS THE ITEM IF YOU ARE SUFFICIENTLY BEHIND IN YOUR PAYMENTS.

YOU MAY NOT KNOW THAT THE STORE CANNOT FORCIBLY RETRIEVE THE ITEM. FOR EXAMPLE, IF YOU REFUSE TO ALLOW A STORE EMPLOYEE TO ENTER YOUR HOUSE, HE HAS NO RIGHT TO FORCE HIS WAY IN, OR IN ANY WAY THREATEN YOU WITH HARM.

INSTEAD, THE STORE MUST GO TO COURT--AND, IF YOU ARE BEHIND IN PAYMENTS, YOU WILL LOSE.

THINGS CHANGE IF THE ITEM IS NOT IN THE HOUSE, SAY A CAR OR TRUCK. THE LAW SIMPLY REQUIRES THAT REPOSSESSION TAKES PLACE WITHOUT A BREACH OF THE PEACE.

THE BUYER'S PERMISSION IS NOT NECESSARY FOR A CREDITOR TO REPOSSESS A CAR SITTING ON THE STREET.

POINT OF LAW IS A PUBLIC AFFAIRS PRESENTATION OF WTYX AND THE MISSISSIPPI STATE BAR.

I'M TY WARREN.

the column might be appropriately placed, although the editor will probably make that decision without your aid. Still, the editor will most likely run the column in approximately the same area of the paper each week, thereby, through repetition, creating a "road sign" that tells the reader exactly where your information may be found.

The same benefits of continuity may be derived from radio. By using the same announcer, format and time slot each week, the program creates an identity for itself and your bar. Remember that in radio familiarity breeds security.

Many newspaper columns attempt to editorialize in some way, often taking positions opposite from those of the editor or being so narrow in scope that only a fraction of the readership is interested. *Point of Law*, on the other hand, does not editorialize but informs. It is consumer-oriented.

Writing the column and radio show does not take much time, if it is done by a lawyer with expertise in the subject being examined. But laymen should be wary of being saddled with the responsibility of initiating copy. The law belongs to the lawyers in this case. However, once the attorney has written the copy, it is wise to translate from "legalese" into English so the average reader/listener can understand the information.

Whenever possible, make the column applicable to an event, local or state issue, or season. Even the most dull copy can seem interesting if it is timely. For example, run columns on consumer rights and warranties during the Christmas season. Spring is a good time to run columns on income tax evasion and fradulent tax shelters.

When this program was explained to a small group of bar executives, one state leader expressed doubt that the effort could be successful. Of course, everyone at the table had a different idea of what the program must achieve in order to be successful. Establish your own minimum definition of success by realistically examining the potential of the program.

Newspapers are bombarded with various columns, some as well written and important as your own. This makes breaking into print a notoriously difficult task. Do not be upset when the state's largest newspaper does not accept your column. Look instead to the public served by small dailies and the state's weekly newspapers.

There are 140 newspapers in Mississippi. Our original goal was to establish a small but firm foundation during the column's first year. Numerically, this meant 20 newspapers providing a total subscribership of 8,000. As these figures indicate, we felt our initial support would be found among the rural newspapers of the state.

By a combination of luck and marketing, the column was picked up by more than double the expected number of newspapers. After six months, 36 newspapers carried the column in some form on an irregular basis, usually twice a month. One paper was the state's most-read morning newspaper.

Newspapers carrying the column weekly made for easy tabulation by using subscribership totals provided by the Mississippi Press Association. According to MPA figures, *Point of Law* reaches over 200,000 Mississippians each week.

Radio was deliberately handled in a different fashion. It was decided to "test market" the radio program for its initial six months before offering it to stations on a statewide basis.

Radio requires the additional step of recording in advance, which means more staff time. Also, it is not economically feasible to mail out a radio show each week as the tape, if not the postage, would eventually make the program far more costly than is necessary.

The better system is to record at least a full month of shows on a single tape, thereby cutting mailing from 52 times a year to 12 while investing in far fewer reels of tape.

This method of distribution is aided when a backlog of shows, approximately six months worth, is readily available. You can thus send a half year of programs to a station that is just picking up the service.

Presently, the backlog is being created with the cooperation of WTYX radio in Jackson. The station provides the show with recording facilities, tape and air time—all at no charge. The bar provides a script and a reader. Each show runs for one minute, and is repeated three times a day, one day a week.

If you have been working in media relations, you already have contacts among decision-makers at various newspapers and radio stations. Personal relationships and credibility are of prime importance when marketing public information or public education material. If you haven't been active in working with the media, try to establish contacts.

Mail a query letter to all editors and station managers explaining the column and detailing its intent, proposed readership, format, length, schedule and method of distribution. Include a questionnaire requesting their opinion of the column. Be sure to include a self-addressed, stamped envelope to facilitate a reply.

In a second letter, provide them with the statistical breakdown of the opinions of their peers. Newspaper and radio editors, like anyone, can often be swayed when it appears they are in the minority. While waiting for responses, be sure to mail the column to all newspapers for a few weeks. This method of double attack may persuade editors to consider the column. After receiving their positive reply, mail the masthead to them.

Six months after the column has been in existence, mail another survey with updated statistics to the newspapers not using the column. The radio series should be marketed in this fashion as well.

According to the editors who carry the column in their newspapers and the station manager of WTYX, the response to *Point of Law* has been extremely favorable. Many readers and listeners have called or written for more information on specific topics. We have been pleased by the response and interest *Point of Law* has generated. It gives the bar another means to educate the public about law with little cost.

Ty Warren is Director of Communications and Programs, and Melissa C. Gwin is Communications Assistant of the Mississippi State Bar. For more information about their *Point of Law* programs, contact them at the state bar, P.O. Box 2168, Jackson, Mississippi 39205; 601/948-4471.

A CLIP SHEET CAN GET YOUR STORY PUBLISHED

Richard G. Johnstone, Jr.

In 1978, the Virginia State Bar attempted to place public service ads on its Lawyer Referral Service in 150 daily and weekly newspapers in Virginia. The response was extremely disappointing, with only two weekly newspapers publishing the advertisement.

The primary problem seemed to be that newspapers rarely or never devote space to public services ads submitted by outside organizations. Newspapers routinely publish stories on lawyer disciplinary actions and on new bar programs and services, but worthy, ongoing programs and services are largely ignored.

Our Public Information Committee decided early in 1982 to approach the problem differently. Rather than try more public service ads, we would use the medium of a "clip sheet."

What is a clip sheet? It is a public relations staple of trade groups and corporations, but is rarely used by bars. It is a sheet containing camera-ready copy and artwork. A newspaper editor can simply insert it into a page without having to proof or typeset copy. By performing, all the work on a story (as opposed to simply sending out a news release), we felt that many newspapers, especially weeklies, would publish a clip sheet article as filler material.

To make the clip sheet as desirable as possible to editors, we decided to include in the sheet two topical stories on 1982 legislation. One dealt with amendments to the state law on divorce; the other with a new state statute on wills and estates. These two stories covered issues in depth that had not been addressed at all by weekly newspapers and covered in only a cursory fashion by daily newspapers.

A third article covered an always-timely topic: what a client should expect from his lawyer. The other two articles featured the lawyer referral service and the clients' security fund. Though these two services had been publicized in the print media upon their creation and several times since, many Virginians were still unaware of their existence though they are two of the best public service programs offered by the VSB.

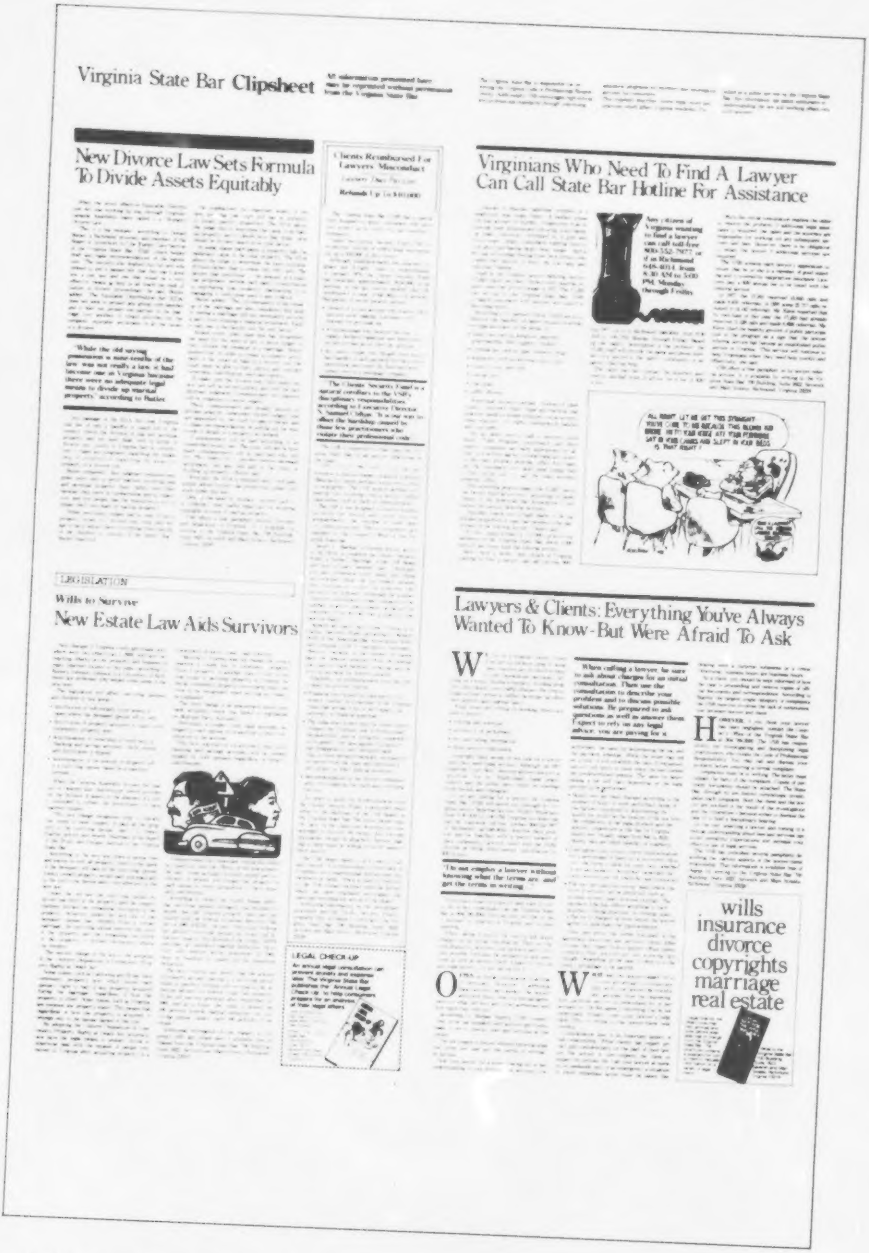
We hired a communications firm, Healy/Russem Associates of Washington, D.C., to produce the sheet. They provided original artwork and an original cartoon to brighten the clip sheet's appearance, making it more visually appealing to editors, and thus more likely to be published. To present a dignified image of the bar, a *Wall Street Journal*-like layout was used for the clip sheet articles. Finally, two small advertisements on the newest VSB public service pamphlets were included in the sheet.

Developed and produced over a three-month period, the clip sheet was sent in August 1982 to all 156 daily, weekly and "suburban shopper" newspapers in Virginia, with a note that any material from the sheet could be published without permission from the VSB. The timing was not accidental. August is the slowest news month of the year (along with February). We felt that many newspapers would be hungry for another news source during this time.

A week after sending out the sheet, we conducted a random telephone survey of nearly 100 newspaper editors to determine if they had received the sheet; what they thought of the articles' newsworthiness and style; whether they planned to publish any of the articles; and whether they would like to receive other clip sheets on law-related matters in the future.

The survey indicated overwhelmingly support for the clip sheet. All editors felt that the articles were timely and well done. The survey found that roughly 70 percent of the editors were firmly committed to using at least one of the clip sheet articles. The articles had been written so that each could be published alone or as part of a series. They indicated that future clip sheets would be welcomed. We hope to do another this August.

Monitoring by the Virginia Press Association clipping service confirmed the survey results: 27 of 37 daily newspapers (73 percent) used at least one clip sheet article and 64 of 99 suburban and weekly newspapers (64 percent) used at least one article. No clipping service is available for the 20 free "suburban shopper" newspapers, but the survey indicated that better than 80 percent of these newspapers would use at least one clip sheet article. In all, 67 percent of Virginia's counties were exposed to this law-related public service information.



Virginia State Bar Clipsheet

All information presented here may be reprinted without permission from the Virginia State Bar

New Divorce Law Sets Formula To Divide Assets Equitably

"While the old saying possession is nine-tenths of the law was not really a law, it had become one in Virginia because there were no adequate legal means to divide up marital property," according to Butler

Clients Reimbursed For Lawyers' Misconduct

Lawyers' Dues Provide

Refunds Up To $10,000

The Clients' Security Fund is a natural corollary to the VSB's disciplinary responsibilities, according to Executive Director N. Samuel Clifton. "It is one way to offset the hardship caused by those few practitioners who violate their professional code

Virginians Who Need To Find A Lawyer Can Call State Bar Hotline For Assistance

Any citizen of Virginia wanting to find a lawyer can call toll-free 800-552-7977 or if in Richmond 648-4014 from 8:30 AM to 5:00 PM, Monday through Friday

ALL RIGHT, LET ME GET THIS STRAIGHT. YOU'VE COME TO ME BECAUSE THIS BLOND KID BROKE INTO YOUR HOUSE, ATE YOUR PORRIDGE, SAT IN YOUR CHAIRS AND SLEPT IN YOUR BEDS. IS THAT RIGHT?

LEGISLATION

Wills to Survive

New Estate Law Aids Survivors

LEGAL CHECK-UP

An annual legal consultation can prevent anxiety and expense later. The Virginia State Bar publishes the "Annual Legal Check-Up" to help consumers prepare for an analysis of their legal affairs.

Lawyers & Clients: Everything You've Always Wanted To Know-But Were Afraid To Ask

When calling a lawyer, be sure to ask about charges for an initial consultation. Then use the consultation to describe your problem and to discuss possible solutions. Be prepared to ask questions as well as answer them. Expect to rely on any legal advice you are paying for it.

"Do not employ a lawyer without knowing what the terms are, and get the terms in writing."

wills
insurance
divorce
copyrights
marriage
real estate

BEST COPY AVAILABLE

While the VSB Public Information Department had expected, before undertaking the project, that more than 50 percent of the weekly papers were likely to use a clip sheet article, the use of the clip sheet by daily newspapers was an unexpected, and very productive, surprise.

As of late November 1982, more that 800 persons had written to the VSB requesting additional information on subjects covered by the clip sheet, and at least 100 persons had called the Virginia Lawyer Referral Service as a direct result of the clip sheet article.

The total cost for the project (preparation of copy, typesetting, proofing, artwork, layout, printing, mailing, telephone survey and monitoring) was just over $5,000, a bargain in light of the widespread exposure afforded to the VSB. Paid advertisements in the newspapers that used the clip sheet would have cost $20,000-$30,000.

Richard G. Johnstone, Jr. is the Public Information Director of the Virginia State Bar. For more information on Virginia's clip sheet, contact him at the state bar, Suite 1622, 700 Building, 700 East Main Street, Richmond, Virginia 23219; 804/786-2061.

ENCOURAGING QUALITY NEWS COVERAGE WITH MEDIA AWARDS

Richard Collins

Sandwiched in my basement files between an "I luv Deddy" valentine and a document once unjustifiably questioned by the IRS, I found recently a picture of the Gavel Award won by *LOOK* magazine in 1964. This was one of the souvenirs that I kept from my long years of toil in that particular word factory. The Gavel meant a lot to the magazine then; and it still means a lot to me, a survivor, now ironically working for the sponsor of the award.

Anyone who thinks reporters and publishers don't prize the Gavel probably also believes the Dutch overpaid for Manhattan Island.

But it is more blessed to give than to receive. And giving the Gavel brings rich rewards to the ABA.

The Gavel Awards help get the word around that law-related topics are important, and that a good performance in handling them can win the kind of recognition that's helpful to an organization and to an individual looking for a gold star to put on his resume.

Similar kinds of awards are offered by state and local bar associations and lots of other groups. Here's a brief rundown of some points you might want to consider in establishing a media award.

We cast our nets very wide, recognizing outstanding public service by newspapers, television, radio, magazines, film and theatrical producers, book publishers, and wire services/news syndicates. Probably on the state or local level you might want to restrict yourself to newspapers, magazines, radio, and TV. If our experience is any guide, you'll probably have no shortage of entries.

You'll want to get started by alerting the media organizations in your state that the contest is coming. Give them full data on all the nitty-gritty details—eligibility, prohibitions, deadline, costs (if any), categories, the need to submit multiple copies, etc.

There's a lot of ways to get the word out. We prepare a pamphlet of 28 pages that includes all the guidelines and an entry form. You might want to use a press release with forms or some other less costly method.

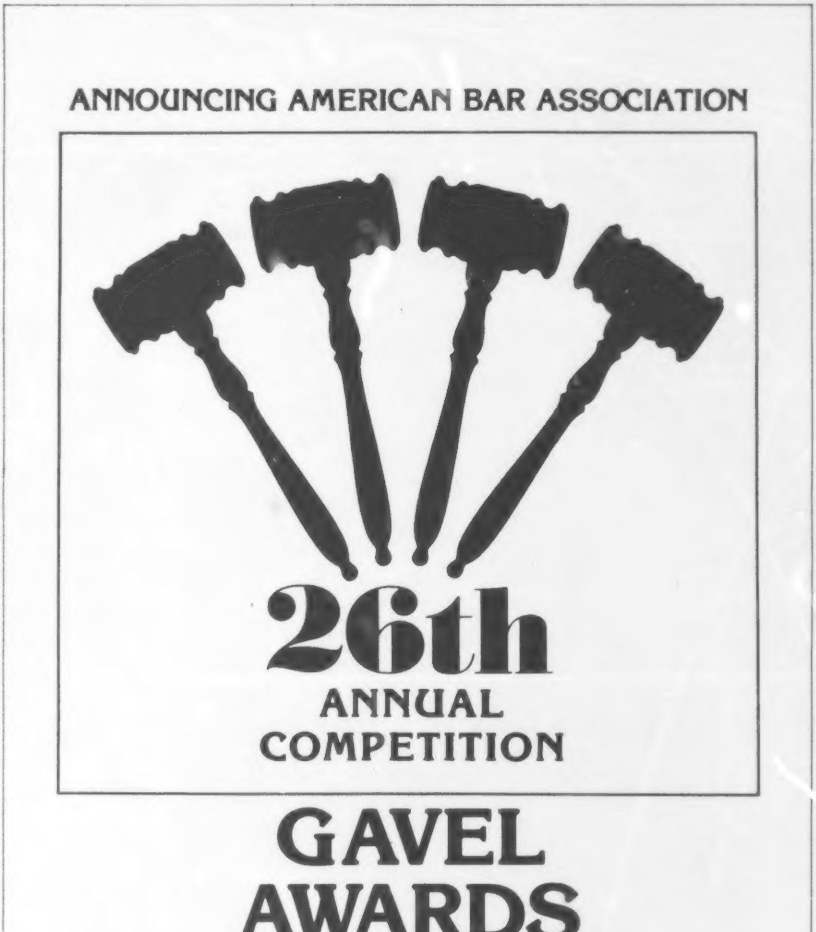
Be sure to make very clear the purpose of the award and the criteria that will be applied. Our formal purposes are to:

1. Foster greater public understanding of the inherent values of our American legal and judicial system;
2. Inform and educate citizens as to the roles in society of the law, the courts, law enforcement agencies, and the legal profession;
3. Disclose practices and procedures needed for correction or improvement; and
4. Aid the legal profession and judiciary in attaining the goals set by the Code of Professional Responsibility and the Code of Judicial Conduct.

Most entries are submitted as meeting two or more of the purposes of the competition. For example, the made-for-TV film "Gideon's Trumpet," a 1981 Gavel winner, was submitted as meeting purposes one, two and three. And *Time* magazine's 1982 winning entry, "We The Jury..." met all four purposes of the competition.

As to judging, our panels are made up of lawyers, judges, and law professors. You might want to expand this group to include media people, concerned citizens, or others. Our criteria are:

- Informational value/educational merit;
- Creativity;
- Thoroughness;
- Reportorial and other technical skills; and
- Impact.



ANNOUNCING AMERICAN BAR ASSOCIATION

26th ANNUAL COMPETITION

GAVEL AWARDS

ENTRY RULES AND WINNERS' ROSTER

ENTRY DEADLINE
FEBRUARY 1, 1983

No doubt other criteria could be addressed. The important thing is to make it clear from the outset what the criteria will be. You might also state that no awards will be given if judges decide that none of the entries are worthy of special recognition. That gets you off the hook in case you want to reward none of the entries.

You will probably want to set a time limit on eligibility—only material published or broadcast in a given period, such as a calendar year. As for prohibitions, we make it clear that we're interested in material for the public by excluding "legal publications primarily intended for legal audiences or textbooks published for law schools." Of course, we exclude material done by our own staff or by members of our committee.

As for classifications, it may be a good idea to acknowledge that a small paper of 10,000 circulation is in a bad position to compete head-on with a paper reaching half a million readers. Maybe you'll want a category for 50,000 or less, one for 50,000 to 150,000, and another for 150,000 and over. You may want classifications for other media as well. For example, we divide radio into large, medium and small markets, and have a special classification for noncommercial stations. To avoid excessive dominance by one organization, you might want to put a limit on the number of entries from a single source.

In your entry rules, you might well want to ask contestants to summarize their contribution and indicate briefly how it meets the criteria. You might also want to ask for evidence of readers' or viewers' responses, and/or documentation of results.

The actual judging can be handled in several ways. We have set up a two-tiered process, in which subcommittees screen an average of 80 or so entries and forward about 30 for detailed consideration by the final decision-makers. All of our subcommittees look at both radio-TV and printed materials, but you might want to break it down so that some subcommittees focus on one type of medium and others on different sorts of media. It's a good idea to spread the work around so that you're not overwhelming any of your volunteers. If you're in a big state, you might set up screening committees in several locations. It might also be a good idea to reward the judges, who may come to see themselves as anonmyous drudges, with a dinner or a party.

Of course, you want the actual awards to make as much of a splash as possible. Have some good looking plaques prepared, and give them out at a luncheon or dinner (perhaps in conjunction with your annual meeting). You can count on the winners to trumpet their success loud and long.

One last point. We'd appreciate it if you'd call your prize something other than the "gavel award." Of course, we're flattered when our award's name is borrowed around the country, but it does create all sorts of confusion when there are lots of gavel awards floating around. Maybe this is the opportunity to honor a longtime leader in your association by naming the award for him or her.

Richard Collins is Director of the Division of Communications at the American Bar Association. For more information about the ABA's Gavel Award, contact Marcia Kladder, American Bar Association, 33 West Monroe Street, Chicago, Illinois 60603; 312/621-9200.

Community Education Through Legal Services

These are lean times for legal service programs. Many efforts throughout the country, faced with reduced funding, are relying more heavily on education, in the hope that many clients will be able to avoid or deal with legal problems themselves and not require the services of a legal aid attorney. This section describes three such efforts.

PUBLIC EDUCATION THROUGH LEGAL SERVICES PROGRAMS

Ismael Ramirez-Soto

In recent years, public legal services programs have faced a burgeoning demand. At the same time, these programs have faced severe funding cutbacks and new restrictions on the areas of law in which they can represent clients. In an effort to maintain continued service for as many clients as possible and meet these new challenges, Greater Boston Legal Services (GBLS) has placed new emphasis on providing educational services to clients on various issues that affect them directly. We try to show them how they may best push for their own rights. If clients can do more for themselves, then we can concentrate our resources on cases where a legal services attorney is absolutely necessary.

Besides, education about the law fits clients' own needs. Subjects such as tenants' rights and duties, welfare rights, educational rights, medicare, separation and divorce, and consumer rights are important to clients. They want to know more about them.

For GBLS, this new approach to legal services has considerably changed the way the program is organized and our philosophical orientation towards community-based work.

The recent cutbacks in the Legal Services Corporation funding resulted in many local programs like ours in Boston losing as much as one-third of their entire budget. GBLS was forced to drastically reduce its staff and reorganize into a central office composed of five specialized litigation units and seven field offices. Among their other duties are educating clients about the law as it affects them and telling them about resources available in the city of Boston, whether legal or nonlegal, that can assist them in resolving their problems.

It is important to remember that GBLS is not an educational program. It cannot afford to divert resources to goals that are not directly related to providing legal representation for the poor. With this in mind, legal education for low-income clients is premised on the following beliefs:

1. Poor people, of any age, can learn about their rights and how to effectively assert them;
2. Knowledge of rights and responsibilities often can prevent legal problems and help people make intelligent decisions;
3. There are instances where a person can successfully advocate for himself with little or no assistance from lawyers or paralegals;
4. Lawyers have an ethical responsibility to educate their clients about the law and the legal system; and
5. Poor people who are knowledgeable about the law and the legal system are better equipped to improve their communities and to eradicate conditions that allow abuses to take place.

As a legal services office, we operate within certain parameters that affect our efforts at client law-related education. Our overall client population includes young adults as well as the elderly. Their educational needs are often quite different. To make things more difficult, many of our clients are not fluent in English and have different cultural backgrounds. Also, lawyers are not trained to educate or to communicate effectively with clients. (We hope to develop those skills and abilities through experience.)

How have we tried to meet these challenges? We've begun by reactivating neighborhood advisory boards and identifying educational projects on which members of these boards and our staff can work together. We are also developing an in-house ability:

- to design and lay out informational leaflets and posters in various languages;
- to produce radio and television public service announcements and conduct workshops, lectures and advocacy training seminars for clients, community leaders and social service agency staff; and
- to provide services to linguistic minorities in their native language or through translators.

The GBLS model has been in operation since September 1982. It is still premature to determine how successful it has been. As this educational venture grows we hope to integrate our community legal education efforts more closely to legal representation and legislative advocacy. The combination should have a significant impact on the entire community. We also hope to coordinate our services with those of other groups and institutions that provide law-related education, like the public schools, community groups, and courts. And we'd like to promote the idea to others who can be enlisted in the effort, such as the public libraries and adult education centers.

Ismael Ramirez-Soto is head of the Community Services Unit at Greater Boston Legal Services. For more information on Boston's community education program, contact him at GBLS, 85 Devonshire Street, Boston, Massachusetts 02109; 617/367-2880.

PUBLISHING A SELF-HELP GUIDE

Marjory D. Fields

The public has a continuing need for information about legal remedies. This is especially true of legal services clients. Self-help booklets are one way to meet the needs of these clients.

At a 1975 community conference on the problems of battered women, the victims in the audience told panelists that they wanted a layperson's guide to their rights and remedies. We published *A Handbook for Beaten Women: How to Get Help if Your Husband or Boyfriend Beats You* in September 1977. The first printing of 34,500 copies was completely distributed in two months. By June 1978, we distributed 50,000 copies of a second printing. In all, 85,000 copies in English and 25,000 in Spanish were requested by 603 individuals and 1,312 organizations. The booklets were free; we charged for shipping and handling only.

Raising the money to publish a self-help guide is a matter of diligence and luck. For our handbook, one of four published by South Brooklyn Legal Services, we researched foundation grant-making patterns to find those that supported liberal, feminist projects. A draft manuscript was sent to 30 foundations with a one-page letter of intent seeking funds to print 25,000 copies in English and 5,000 in Spanish. The Spanish version was necessary to reach the 45 percent Hispanic client population of our legal services office. Though most clients are bilingual, they understand complex concepts better in Spanish.

Joint Foundation Support, the administrative arm for several small New York City foundations, responded to our letter with a grant and assistance in obtaining additional foundation support. The grant-making process consists of time-consuming research, writing and telephone calls, even though the proposal writing itself may not be onerous. Because of our early foundation successes, we did not seek corporate gifts, but the same process can be applied to corporate and local business giving. Personal contacts are the best means of access to them, but letters of intent and phone calls can bring results.

Small, private foundations rarely require more than cost estimates for each aspect of the project, a brief narrative description, and a final copy of the ledger sheets. Public agency grants are more time-consuming, especially because of complicated official forms. They require multiple written bids from printers, typesetters, translators, editors, researchers and any other outside consultants. A standard grant application must be completed in response to a request for proposals, known in the trade as an "RFP." Each item in the RFP must be addressed in the proposal. Once the grant is made, a contract is signed. Eventually, auditors will be sent to review ledger books and ascertain that the self-help guides were printed and delivered.

Our handbook originally cost $9,000, the aggregate of four grants from small New York City foundations. Separate foundations funded the translation and printing of the Spanish version and the distribution costs. A second, revised edition was published in November 1981 with a supplemental budget appropriation of $25,000 from the New York State Legislature, plus grants from a foundation and a New York City law firm. We printed 224,000 copies in English and 26,000 in Spanish for this edition.

To receive a state legislative appropriation, you follow the same proposal process. However, all the complexities of the legislative process come into play: the power and status of the bill's sponsor; the general treatment of an individual legislator's money bills; and the state's fiscal situation at the time. Grass roots and bar association support can determine success, especially if the amount of money is small compared to the total state budget.

To interest our financial supporters, we circulated a draft manuscript. It was written in short declaratory sentences, using simple words to describe the statutory scheme and the realities of the court process. Unavoidable terms of art were defined, but no statutory or case citations were included. The manuscript also gave practical advice regarding courtroom decorum and proper attire.

Arriving at a final draft of the manuscript still required a great deal of work. We concluded that a chronological format would work best. Starting with the incident, the handbook concentrates on practical advice: get to safety, call the police, save evidence, and take photographs. Police obligations are explained, and the civil and criminal court options are compared. Access to the courts is described, as well as what to do when appearing before a judge.

The possible relief is outlined in great detail, along with a discussion of enforcement. Issues of emergency public assistance and divorce are briefly described. Finally, the booklet contains a list of local battered women's shelters and other resources. The statewide, toll-free service referral number is repeated several times throughout the handbook, as are other practical tips. We assume that people will not read the booklet from cover to cover, but select the parts that pertain to their circumstances. Therefore, repetition is necessary. A table of contents guides readers to the information needed.

Distribution costs and readers' concern for their safety dictated that we design a small size booklet, three inches by four inches, with a blank back cover. It can be hidden inside a purse or coat pocket. It also stores easily and fits into a letter size envelope. The blank back cover allows it to be a self-mailer for the price of a first-class stamp, or bulk rate when mailed in quantity.

To produce the 32-page booklets, we did our own research, writing, publicity, distribution and record keeping, but engaged outside consultants for editing, translation, graphic design, typesetting, duplication, binding and delivery. Our state supplemental budget grant required five written bids from printers for the duplication and binding, which, because of paper cost, was the most expensive single item in producing our self-help guide.

The handbook was publicized using press releases that accompanied a copy of the book. Coverage in the local newspapers was excellent. Many of the television and radio programs that announced the book's availability also devoted time to the problems of battered women. The media attention produced a great demand from individuals and organizations. The local foreign language press also carried stories, bringing us volunteers who translated the book into Korean and Chinese. The local Korean newspaper published the Korean translation, while the Chinese version was distributed by the Asian American Defense Fund and the legal services office in Chinatown.

Institutional orders were an important means of distribution. We mailed copies and information on how to order more booklets to medical, social work, religious, legal, community, educational, police and welfare agencies. The response from all of these agencies was excellent.

We found United Parcel Service to be the least expensive and most convenient means to ship bulk orders—after trying bus parcel service and the U.S. Postal Service. UPS picks up at our office on one-day's notice. Delivery is fast and to the door of the addressee.

We lost money on shipping as agencies and community organizations failed to reimburse us for those costs. Now we require payment in advance on all bulk orders. Individual orders are sent with requests for contributions.

A few notes of caution might be helpful if you wannt to produce a self-help guide. We encountered the usual delays with outside contractors. Our first typesetting job took far too long and was careless. Our first printer was equally slow. We lost four months. However, our second typesetter was fast, accurate and creative. She designed a new cover, improved the typeface, and designed charts to clarify a complex jurisdictional scheme. Care in selecting these consultants is important.

Another problem area involves the quality of the translation. We incurred unbudgeted expenses of $100 to have the Spanish translation of the second edition critiqued and then edited. Our initial reviewer was highly critical of the translation and strongly recommended that we engage an editor. We followed this advice because the translation of the first edition was deemed so poor that the local Spanish press refused to carry a story announcing its availability.

The success of this venture, as shown by the constant demand for copies, demonstrates the need for legal information in plain English—and Spanish. This self-help guide educates the public and enables private citizens to gain access to the courts in proceedings for which few lawyers are available. It also provides necessary information for those in other helping professions, improving their ability to assist their clients.

Marjory D. Fields is managing attorney of the Family Law Unit of Brooklyn Legal Services Corporation B and was co-chair of the New York Governor's Task Force on Domestic Violence from 1979 to 1982. For more information about the self-help guides, contact her at Brooklyn Legal Services Corporation B, 105 Court Street, Brooklyn, New York 11201; 212/855-8003.

MAKING FULL USE OF VIDEO

Karen H. Crosby

Although the full potential of video is still unknown, the novice educational filmmaker needs some idea of the medium's possibilities as well as its pitfalls. It has the potential to be a powerful educational device. Through a brief sucession of images, important legal information can be conveyed that touch upon the viewer's own experiences. The result is a practical, concise, and understandable explanation of complex legal topics.

Today, good tapes are much more in evidence than a few years ago, but their development has been a process of much trial and error.

Here are a number of practical considerations that can help you learn from these experiments and assure a smooth running program. At the New Haven Legal Assistance Association (LAA), we discovered that to use the equipment and make it earn its keep a program must have a person on staff to coordinate, maintain, film, edit, and distribute the video products. Not only does the equipment require maintenance, but the videotapes themselves need to be kept clean and in some sort of catalogued library.

If you were to ask David Keyes, the audio-visual coordinator for LAA, what his largest problem was in working with video, he would certainly say, "distribution." David, with assistance from students from Antioch and Yale, creates wonderful community legal education tapes on a wide variety of topics, ranging from an introduction to the juvenile justice system in Connecticut to a consumer information tape on Medigap insurance.

Some distribution is easy. Waiting clients are a ready-made audience, interested in their rights and available to watch the tapes. A video deck and monitor in the lobby of our office shows the tapes continuously to clients waiting for assistance. We found another ready-made audience right in our backyard. A New Haven senior citizen complex operates its own closed circuit television operation for its residents. We found this to be an enthusiastic outlet for tapes that were of special concern to the elderly. We also have helped residents in the complex produce their own shows on both legal and non-legal subjects.

Senior citizens were also the target audience for a series we did for a local cable television station on the rights of the elderly. The station recognized the interest in the subject and sought our help in producing the show. To receive the invitation to colloborate on the program, it helped to have an ongoing relationship with the station.

An existing relationship proved crucial to involvement with another television station as well. Like many small cities, New Haven has a local noon news telecast that is often difficult to fill with breaking news stories. To help fill the air time, the news department may be receptive to a short consumer feature. We were asked to help produce a weekly, five-minute feature called, "You Have the Right." It consists of an attorney asking and answering several questions about the law. The response to the show has been overwhelming, as evidenced by the number of requests for consumer pamphlets we receive when we announce their availability on the program.

Clearly, our experience in producing videotapes helped. If our staff didn't know what it was doing we could not have been invited to share precious air time. In helping design the shows and features, it was necessary to be aware of time constraints and the visual requirements of the medium. Our expertise in these areas meant that we were a valuable partner in producing the community education programming, rather than a burden on the station with only legal expertise to offer.

But not all distribution is easy. Even if you're a productive whiz, getting the tapes to the people who need to see them remains a real problem. To announce the availability of the tapes, we publicize them in a videocatalogue, that is sent to legal services programs throughout New England. If they are interested, we send them tapes, along with members of our staff and lay advocates who conduct training in the community.

Of course, not all potential users have equipment that matches ours. Duplication of tapes into a compatible format can be an unexpected additional expense. The most common format commercially is the 3/4-inch tapes. Within the legal services community, the most popular formats are 1/2-inch Betamax and 1/2-inch VHS. Look at your own potential video network and decide what to rent, buy, or borrow. Also, be wary of the word "portable" in selecting equipment. What may be portable for a 225-pound linebacker is certainly not for the ordinary video user.

After you have made a long-range plan for video use, bought compatible equipment, produced and effectively distributed high quality community legal education videotapes, what happens when the community and your own staff begin to make additional demands on the equipment or more importantly, the video personnel? There are many ways to use video, and everyone dreams of being a star.

If your long-range plan did not include using video for litigation support and a whole range of training back-up, then it is time to reassess the needs of your program. Using video equipment to film depositions and to "shoot" housing code violations are two more ways we use video at LAA. As a direct advocacy tool, video has been used as evidence of below code housing conditions in routine use and occupancy hearings and in a federal case that resulted in an order for repairs to a multi-family public housing project. Attorneys at LAA have also been granted motions to depose on videotape. It can be more cost-effective than using a court reporter, and audio tapes can easily be made at the same time.

Using videotape as a training tool has been an important to our legal services program. To train lay and *pro se* advocates as well as staff, video presentations along with appropriate written materials can prove cost effective.

Now that you have developed a full video program to suit the needs of your staff and clients, there is one other area that you might explore to expand your horizons and perhaps your budget. When applying for a grant, there is often nothing more compelling than a well-made videotape to support your proposal. The tape might be a general public relations tape about your program and its services, or it might specifically target problems or needs addressed in your proposal.

Having the equipment available to produce the tapes is obviously a blessing with many important uses. Whether they are broadcast or shown along with a "live" presentation, self-produced tapes can be very effective. There is something about television that grips even the most resistant of us. Its use as an educational tool is a challenge and opportunity that holds many rewards.

Karen H. Crosby is Community Legal Education Supervisor for the New Haven Legal Assistance Association. For more information about the use of video in an educational program, contact her at LAA, 399 Temple Street, New Haven, Connecticut 06511-9990; 203/777-4811.

School-Based Programs

The education community is one of the best sources of support for efforts to increase public understanding about the law. As E. A. Richter's article in this section shows, cooperation between bars and college extension services can yield big dividends.

Law schools are another excellent resource for public understanding programs. In this section, Glenn Goldberg describes a community education program at Monterey College of Law and Jennifer Bloom and Joseph L. Daly describe a community education center headquartered at Hamline University Law School. In the section that follows, James A. Vargo and Elizabeth T. Dreyfuss describe a law school program that educates the mental health community. (Both of these latter programs, in turn, had their origin in "street law" programs, in which law school students receive course credit for teaching in area high schools. There are approximately 50 such programs around the country. For more information about them, please contact Lee Arbetman, National Institute on Citizen Education About the Law, 605 G Street, NW, Washington, DC 20001; 202/624-8217).

As the article in this section on the San Diego program indicates, community education centers, which exist to serve the adult public, offer a third excellent resource for public education programs. And Judge Nat Hentel's article in the section on courts offers yet another approach to adult education.

LEGAL SELF-HELP COURSES FOR THE PUBLIC

Glenn A. Goldberg

> *Before the Law stands a doorkeeper on guard. To this doorkeeper comes a man from the country who begs for admittance to the Law. But the doorkeeper says that he cannot admit the man at the moment. The man, on reflection, asks if he will be allowed, then, to enter later. "It is possible," answers the doorkeeper, "but not at this moment."*
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> *. . . These are difficulties which the man from the country had not expected to meet; the Law, he thinks, should be accessible to every man and at all times. . . .*
>
> *—Franz Kafka, "Before the Law" from Three Parables*

Like the man from the country in Kafka's story, the Monterey College of Law believes that the law should be accessible to all persons at all times. Acting on its commitment, the small, state-accredited community law school on California's central coast has created a Community Legal Education Program (CLEP) to demystify the law for laypersons.

CLEP—which has been described as one of the most innovative and ambitious legal self-help experiments of its kind in the nation—trained more than 1,500 local residents to better understand and protect their legal rights in 1982, its first year of operation. The program also reached more than 20,000 viewers with fifteen hours of televised law-related instruction, as well as thousands of listeners to local radio talk shows.

CLEP was conceived as a response to the cuts in funding for legal services and the concomitant increased community need for assistance in understanding and using our legal system. It presents free and low-cost legal self-help classes for the general public (more than 50 in 1982) and generates a significant portion of its operating budget by also offering law-related seminars for professionals and programs of continuing legal education for attorneys.

In 1982, CLEP offered an average of six instructional programs each month for the public. All of these programs were taught by local attorneys and judges who volunteered their time as a *pro bono publico* service. The instructors and the classes were highly rated by participants: 94 percent reported that they obtained all of the information and skills they were seeking from the programs.

A very broad selection of legal topics, appealing to diverse audiences, were taught in CLEP's first year of programming. Programs for the general public included classes in:

- tenant's rights and remedies
- collecting child and spousal support
- bankruptcy
- legal protection against domestic violence
- estate planning
- writing your will
- the insanity defense
- immigration law
- conservatorships and guardianships
- using small claims court
- veterans' rights
- income tax planning
- military pensions
- social security
- patients' rights
- worker's compensation
- legal research for the layperson
- getting a divorce
- fighting traffic tickets

CLEP also hosted a celebration of Law Day that featured trial attorney Melvin Belli and a mock trial by grade school students, offered a 12-week series, "Law for the Citizen," that presented an overview of all major substantive areas of the law, and presented a special series for senior citizens on the Bill of Rights and key decisions of the U.S. Supreme Court.

Fee-generating CLEP classes for professionals included credit-approved, law-related continuing education classes for realtors, a series for human service workers and nonprofit staffs to familiarize them with the laws and regulations affecting their clients, and seminars for small business people and artists.

During the two-week period before the November 1982 elections, CLEP produced six hours of televised debates on state and local voter propositions and initiatives in conjunction with the local chapter of the League of Women Voters and the Monterey County Office of Education.

In 1983, using video equipment purchased with a grant from the Monterey Peninsula Foundation, CLEP will record and maintain a videotape library of its classes for viewing by individuals and groups at their convenience. The agency also plans to initiate a bi-weekly community legal education interview and call-in show on a local radio station, to prepare instructional videotapes for direct broadcast into public and private high schools on the county school system's cable television station and to expand the involvement of elementary and secondary school students in its Law Day celebration.

In its first year, CLEP has become a highly visible and important educational resource in its community. In the process, it has effectively met compelling community needs, improved the public image of the legal profession, and substantially enhanced the credibility and reputation of its law school sponsor. It may be possible for other law schools, bar associations or groups to achieve the same results by replicating the CLEP model in their own communities.

Our first step was to conduct a community needs assessment. This involved:

1. Identifying all of the potential constituencies in our community that might need law-related instruction; and
2. Meeting with representatives of each constituency to determine the types of programs that would be most relevant and useful to the members of that group.

The law school met with landlords, tenants, business and community leaders, bankers, consumer groups, farmers and farmworkers, college presidents, students, senior citizens, nonprofit agency directors and staff, representatives of military personnel, minorities, immigrants, women's groups, realtors, unions, and many others.

This process and these meetings served several important purposes. First, they enabled the law school to document that there was a real and compelling need for a CLEP program, and this documentation, in turn, encouraged a local foundation, the Maurine Church Coburn Charitable Trust, to give the college a "seed money" grant to start the program.

Second, the meetings provided the law school with a list of specific program ideas that were directly responsive to real educational needs within its community.

Third, the law school was virtually guaranteed a substantial audience for its community classes. During the course of the meetings, the representatives were enlisted to promote the programs and encourage their constituents to attend. They then had a personal stake in CLEP's success.

Finally, the meetings produced for the law school a living network of key community leaders and representatives whose continuing input in planning new programs and assistance in promoting attendance could assure the long-term viability and responsiveness of the program.

CLEP's operating budget for its first year was $56,000, although similar programs with less ambitious plans of action could be started with substantially less initial funding. In its second year, CLEP's budget was actually reduced to approximately $40,000, without sacrifice in either the scope or effectiveness of its program.

This was possible because so many of its classes are recyclable. They can be repeated and updated each year, taught by the same instructors, and use virtually identical advertisements, flyers, press releases and program materials. Consequently, less staff time was needed to plan programs, recruit instructors and prepare promotional materials during year two.

In its first year, CLEP was staffed by a director (60 percent time) and a full-time administrative assistant. The director established and maintained the community network, developed programming ideas, recruited attorney-instructors, planned classes with them, and managed the entire program. The administrative assistant handled all secretarial, clerical and logistical aspects of the program, including disseminating class flyers and advertisements, locating classroom facilities, and scheduling and registration. In its second year, CLEP's director cut back his time to one day a week.

The largest line items in the program budget were for staff salaries, advertising and mailing expenses, and the printing and reproduction of flyers and program materials.

The cooperation and *pro bono* instructional service of local judges and attorneys are essential prerequisites to the success of the CLEP concept—and the key to its relatively small operating budget. CLEP found that most attorneys are pleased to commit their volunteer services to a well-organized and staffed legal education program, for both public service and professional reasons.

Many welcomed an opportunity to improve the public's rather negative image of the legal profession by donating their services to demystify what many see as an unduly complex and intimidating legal system. Also, the public exposure obtained from teaching the class, having their names advertised in program announcements, and being interviewed for newspaper articles and television and radio programs made their participation an extremely attractive and cost-effective professional investment.

CLEP recruited an Attorney Advisory Board, composed of presentatives of the local bar, and utilized this group to identify potential instructors with an expertise in the proposed areas of instruction. A few phone calls, letters and a brief meeting were usually sufficient to recruit an instructor and plan the instructional program.

From its inception, CLEP made extensive use of local print and electronic media—both to publicize program offerings and to reach a far larger audience with substantive discussions of the legal topics and issues presented in the classes. Often, CLEP found it could achieve its twin media objectives by working closely with local media professionals.

For example, CLEP established a relationship with a local commercial television station that airs an interview/talk show each weekday morning. The show's hostess is responsible for planning 250-500 segments each year. The CLEP staff offered their assistance in arranging for attorney-instructors to appear on the show to discuss the legal topics covered in that evening's class presentation. She welcomed the collaboration, which resulted in more than ten hours of free TV air-time devoted to community legal education and promoting CLEP's "live" classes. This is a good example of the kind of symbiotic relationship that can help both partners achieve their goals.

CLEP pursued a similar strategy with its local newspaper. The staff suggested to the city editor a series of weekly law-related feature articles, coordinated with CLEP classes scheduled for that week. The resulting stories have not only boosted attendance at live CLEP programs, but they also have provided direct legal education to thousands of readers who would never attend an evening class.

CLEP makes full use of free public service announcements, press releases and "bulletin boards" in community newspapers to promote its classes. In addition, the program inserts paid advertisements in the newspaper and mails out flyers listing the next month's programs to several hundred individuals, community-based agencies, government offices, libraries and service centers.

Evaluations completed by participants attending CLEP classes suggest that its success has been substantially enhanced by its self-help orientation. Instructors are asked to prepare simple, clear hand-out materials and to design their instruction, to the greatest extent possible, to help individuals handle their legal problems for themselves. While this, of course, is not always possible, classes are always structured to train participants to identify when they need the assistance of an attorney, and to function more effectively as consumers of legal services.

Free or low-cost admission to classes for the general public has substantially boosted attendance. CLEP found that the imposition of even nominal class fees could discourage attendance by those individuals in greatest need of the legal self-help information.

CLEP could be replicated on a limited scale with volunteer staffing, donated facilities and overhead, and a small budget for advertisements, flyers and mailings. A program of CLEP's ambitious nature, however, requires start-up and continuation funding.

It may be possible for potential sponsors to obtain initial "seed" grants from local foundations, corporations or the United Way. CLEP is unique in that revenues from its seminars for professionals and attorneys under-write the costs of its free programs for the general public.

CLEP is also experimenting with other "self-support" ideas to generate the remainder of its annual operating budget. It has sent direct-mail fund-raising appeals to all individuals who attended its classes, asking those who can afford it to contribute a tax-deductible donation so that the free classes can continue.

The program is also implementing an underwriting campaign in which 60 local corporations, businesses and law firms are being asked to sponsor one free CLEP program each year. The $250 sponsor's fee is sufficient to cover all non-personnel costs involved in planning, promoting and presenting a class to the general public. Sponsors will be appropriately acknowledged in ads, press releases and flyers for the classes, as well as in hand-out materials. A separate category of "founders" are being asked to contribute $1,000 towards the program's staffing costs. Initial response from the business community has been extremely favorable. CLEP anticipates that by the end of its second year, the revenues from its professional and attorney programs, direct-mail appeals and program underwriting campaign will substantially cover the cost of the entire program.

The Community Legal Education Program of Monterey College of Law provides a viable, cost-effective, working model—suitable for adaptation and replication in communities throughout the country—for providing laypersons with the knowledge and skills they need to use our legal system effectively. The CLEP model also offers some hope for elevating the public's respect for both the legal profession, and for the rule of law that is one of the cornerstones of our society.

CLEP, and the other community legal education programs that seem sure to develop across America in the years ahead, offer the promise of making the law truly accessible to all persons at all times.

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Legal Education Program at Monterey College of Law. For more
information about CLEP, write him care of the law school,
498 Pearl Street, Monterey, California 93940; 408/373-3301.

OFFERING LAW COURSES THROUGH COLLEGE EXTENSION SERVICES

E. A. Richter

Bar associations wishing to develop a statewide adult law-related education program have a ready-made partner in the extension service of their state land-grant college or university. The purpose of the Cooperative Extension Service, established in 1914, is to promote public education. A public education program about the law is a natural for the service, especially in cooperation with the legal profession. Through its 3,150 county extension offices in 50 states, the extension service provides an able and effective vehicle for establishing adult law-related education programs in localities throughout your state.

The Missouri Bar and the University of Missouri Extension Service established such a cooperative program in 1964. It has been operating successfully ever since with little effort and practically no cost to the state bar or local bar associations. In this cooperative effort, the extension service provides the manpower and expertise to arrange the programs, publicize them and provide the physical facilities. The bar provides the legal expertise for lectures and discussions of the law and the legal system. We also provide printed educational materials. The end result is a program that provides the public with much needed information in an academic setting with none of the self-serving aspects of many bar-sponsored programs.

To help participating lawyers and extension specialists plan the programs, we created the booklet *The Law in Missouri*. The booklet contains directions for planning and conducting the programs, as well as outlines for the various legal topics. Included are such subjects as marriage and divorce, estate planning and probate, buying and selling real estate, landlord-tenant relations, insurance, buying on time, the court system and the small claims court.

The University of Missouri Extension Service provides information concerning the program to its personnel in the various counties. The local staff then determines if there is sufficient public interest in their county in one or more of the topics. If there is, the county extension office then arranges to conduct a program on the topics selected. The program can vary from one topic in a single session to several topics in a multiple-session course. Each session runs about two-and-a-half hours.

The extension specialist's job is easier because there is a Missouri Bar public information chairman in each county. Each county extension specialist is provided with a list of bar information chairmen who can help plan and conduct the program.

After the subject matter and content of the proposed program have been decided by the extension specialist and the bar information chairman, physical arrangements and publicity for the program are arranged by the extension office. In the meantime, the bar's county information chairman contacts the local bar association for lawyers to serve as faculty for the program. The state bar provides, free of charge, appropriate pamphlets for the program audience.

In order to prevent criticism of the program by members of the bar or the public, special guidelines have been developed and approved by the Board of Governors of The Missouri Bar, by the Missouri Advisory Committee (Ethics Committee of the Supreme Court) and by officials of the University Extension Division. These guidelines are as follows:

1. The Missouri Bar, as well as the Extension Division, is interested in a dignified educational program.
2. Handbills (flyers) may be used in publicizing the meetings, but must not include the names of attorneys involved in the workshop.
3. The brochure entitled "Attend Our Workshop—The Law In Missouri" may be used in publicizing the meetings. Any announcement, other than the printed brochure, must have the approval of the state bar's district or county public information chairman.
4. The names of the attorneys participating in the workshop may be used in radio, television and newspaper publicity, but no title, other than "attorney-at-law," may be used. Also, The Missouri Bar must be mentioned as co-sponsor.
5. Advertisements as well as news stories may be used in newspapers to publicize the meetings.
6. In news stories and publicity, attorneys should never be referred to as "specialist," "expert," or as "specializing in" the area of law to be discussed.
7. If any charge is made for the meeting, it must be stated that the charge is only for supplies, room rent, and other such expenses. It must be made clear that there is no reimbursement to the attorney.
8. If more than one session is planned, a different attorney should lead each session. In situations where this is not possible, it is the responsibility of the county bar to determine the appropriate procedure.
9. As a first step in planning, university extension faculty responsible for the activity should contact the bar public information chairman and involve this person in the planning. This person should then work through the bar, if possible.

10. A member of the university extension faculty should preside over each of the meetings and be present throughout the meeting.
11. The Department of Family Economics and Management, University of Missouri-Columbia, shall be the academic department responsible for the planning, implementation and evaluation of this program. This department shall cooperate with The Missouri Bar on all matters of policy, procedure, and content of the program.
12. The area home economist responsible for family economics and management programs is the contact person for conducting *The Law in Missouri* workshop. This person has the information necessary to carry out the program successfully and keeping with the objectives of the program.

Though the programs are designed primarily to benefit the public by providing accurate information about the law and the legal system, lawyers also benefit from the program through increased public recognition of the need for legal services. One pre-test/post-test survey of participants in one of *The Law in Missouri* programs showed that of the 50 persons who attended: 25 subsequently had new wills drafted or old wills revised; 38 made a list of their valuable papers; 9 completed a household inventory; 27 informed someone about the location of their valuable papers; and 41 had come to a realization that joint tenancy or tenancy by the entirety is not a substitute for a will.

Of course, the greatest benefit the legal profession derives from participation in the program is increased public understanding and appreciation of the legal system. The close contact with lawyers increases participants' appreciation of the positive role of the lawyer in society. The informal atmosphere and the extended question-and-answer period provide many of those attending with their first opportunity to talk to a lawyer in an atmosphere not clouded by conflict or controversy.

By cooperating with the extension service, the bar benefits from the academic climate provided by association with a university or college. The programs also offer a simple and effective way for state and local bar associations to cooperate, thus improving relations within the bar.

Finally, the cost of establishing and implementing this cooperative project is negligible. Such a project can be done by any bar association, no matter how limited its budget. About the only cost to the state bar is the cost of information pamphlets distributed to the participants and the cost of providing members with information on how to conduct the program. There is no cost, except time, to the local bar. All other costs are taken care of by the extension service, either through extension funds or through a slight charge to participants. By the way, as the guidelines note, if such a charge is made, the extension division makes it very clear that the money collected is used for physical facilities, refreshments, and the like, and not for the lawyers' services.

Few if any bar association programs offer so many benefits at so little cost and at the expenditure of so little effort. The program, once established, continues year after year, often with repeated requests from the same community. About all it takes to establish the program is a meeting or two with the state extension office to complete plans and to discuss the cooperative efforts necessary for implementation. Since an office exists in each of the 50 states, all it takes is a call or a letter to start the ball rolling.

State Extension Services

Cooperative Extension Service, Auburn University, Auburn, AL 36849; 205/826-5323.

Alabama A&M University, Normal, AL 35762; 205/859-7342.

Extension Service Building, Tuskegee Institute, Tuskegee, AL 36088; 205/727-8812.

Cooperative Extension Service, University of Alaska, 303 Tanana Drive, Rm. WW6A, Fairbanks, AK 99701; 907/479-7237.

American Samoa Community College, Land Grant Programs, Mapusaga Campus, P.O. Box 2609, Pago Pago, American Samoa 96799.

Home Economics Building, Room 205C, University of Arizona, Tucson, AZ 85721; 602/626-2536.

Extension Home Economics, Post Office Box 391, Little Rock, AR 72203; 501/376-6301.

Division of Agriculture & Technology—AR, Post Office Box 82, University of Arkansas at Pine Bluff, Pine Bluff, AR 71601; 501/541-6747.

Extension Service, 1942 University Avenue, Suite 306, University of California, Berkeley, CA 94720; 415/642-6200.

Extension Service, 201 Admin. Building, Colorado State University, Fort Collins, CO 80523; 303/491-6281.

Extension Service, University of Connecticut, Box U-36, Storrs, CT 06268; 203/486-4129.

Cooperative Extension Service, University of Delaware, Newark, DE 19711; 302/738-2537.

Delaware State College, Dover, DE 19901; 302/736-4929.

Extension Service, Room 5407—South Building, U.S. Department of Agriculture, Washington, DC 20250; 202/447-2908.

Cooperative Extension Service, University of the District of Columbia, 929 E Street, N.W., Washington, DC 20004; 202/727-2007.

Extension Service, 3001 McCarty Hall, University of Florida, Gainesville, FL 32611; 904/392-1779.

Extension Service, Box 320, Florida A&M University, Tallahassee, FL 32307; 904/599-3561.

Cooperative Extension Service, University of Georgia, Athens, GA 30602; 404/542-1671.

Extension Service, Ft. Valley State College, Fort Valley, GA 31030; 912/825-6296.

University of Guam, College of Agriculture & Life, Sciences, UOG Station, Mangilao, Guam 96913; 671/734-2921, Ext. 412.

Cooperative Extension Service, University of Hawaii, CTAHR at Manoa, 3050 Maile Way, Gilmore Hall 203, Honolulu, HI 96822; 808/948-8397.

Cooperative Extension Service, Morrill Hall, University of Idaho, Moscow, ID 83843; 208/885-6545.

Cooperative Extension, University of Illinois, 528 Bevier Hall, 905 South Goodwin Avenue, Urbana, IL 61801; 217/333-0520.

Extension Service, G-98 Stone Hall, Purdue University, West Lafayette, IN 47907; 317/494-8252.

Cooperative Extension Service, 128 MacKay Hall, Iowa State University, Ames, IA 50010; 515/294-7244, (FTS dial 8-865-7244).

Extension Service, Umberger Hall, Kansas State University, Manhattan, KS 66506; 913/532-5780.

206 AG Experiment Station, University of Kentucky, Lexington, KY 40546; 606/257-3887.

Extension Service, Kentucky State University, Frankfort, KY 40601; 502/564-6152.

Cooperative Extension Service, Knapp Hall, Louisiana State University, Baton Rouge, LA 70803; 504/388-4141.

Extension Service, So. University and A&M College, Baton Rouge, LA 70813; 504/771-2242.

Extension Service, University of Maine, 100 Winslow Hall, Orono, ME 04469; 207/581-2211.

Extension Service, 1200B Symons Hall, University of Maryland, College Park, MD 20742; 301/454-5174.

University of Maryland-Eastern Shore, Princess Anne, MD 21853; 301/651-2200, Ext. #673.

Extension Service, 214 Stockbridge Hall, University of Massachusetts, Amherst, MA 01003; 413/545-2197.

Cooperative Extension Service, 108 Agriculture Hall, Michigan State University, East Lansing, MI 48824; 517/355-0265.

Extension Service, 250 Coffey Hall, University of Minnesota, St. Paul, MN 55108; 612/373-1232.

Extension Service, Post Office Box 5406, Mississippi State University, Mississippi State, MS 39762; 601/325-3032.

Alcorn University, Post Office Box 479, Lorman, MS 39096; 601/877-2916 or 877-2933.

Extension Service, 110 Gwynn Hall, University of Missouri, Columbia, MO 65211; 314/882-7828.

Ag Department, Lincoln University, Jefferson City, MO 65101; 314/636-5511.

Cooperative Extension Service, Montana State University, Bozeman, MT 59715; 406/994-3451.

Extension Service, 213 Ag Hall, University of Nebraska, Lincoln, NE 68583; 402/472-2968.

School of Home Economics, University of Nevada, Reno, NV 89557; 702/784-6975.

Extension Service, 119 Taylor Hall, University of New Hampshire, Durham, NH 03824; 603/862-2034.

Extension Service, Post Office Box 231, Cook College, Rutgers University, New Brunswick, NJ 08903; 201/932-9740.

CES, Box 3AE, New Mexico State University, Las Cruces, NM 88003; 505/646-1806.

Extension Service, N 130-A, Martha Van Rensselaer Hall, Cornell University, Ithaca, NY 14853; 607/256-2244.

CES, Post Office Box 5097, North Carolina State University, Raleigh, NC 27650; 919/737-2781.

North Carolina A&T State University, Box 21928, Greensboro, NC 27420; 919/379-7691.

North Dakota State University, Post Office Box 5016, Fargo, ND 58105; 701/237-7253.

CES, 1787 Neil Avenue, Ohio State University, Columbus, OH 43210; 614/422-4481.

CES, 104 Home Economics West, Oklahoma State University, Stillwater, OK 74078; 405/624-6280.

Extension Service, CES Milam 161, Oregon State University, Corvallis, OR 97331; 503/754-3211.

Extension Service, 208 Armsby Building, Pennsylvania State University, University Park, PA 16802; 814/865-5406.

College of Agricultural Sciences, College Station, Mayaguez, PR 00708; 809/833-1570.

Extension Service, Woodward Hall, Room 130, University of Rhode Island, Kinston, RI 02881; 401/792-2016.

Extension Service, 108 Barre Hall, Clemson University, Clemson, SC 29631; 803/656-3306.

Extension Service, Box 1765, South Carolina State College, Orangeburg, SC 28117; 803/534-6916.

Cooperative Extension Service, South Dakota State University, Ag. Hall, Room 127, Box 2207, Brookings, SD 57007; 605/688-5131.

Agricultural Extension Service, Post Office Box 1071, Knoxville, TN 37901; 615/974-7384.

Tennessee State University, Nashville, TN 37203; 615/320-3650.

Extension Service, 102 Systems Admin. Building, Texas A&M University, College Station, TX 77843; 713/845-7982.

Prairie View A&M University, Prairie View, TX 77445; 713/857-2023.

CES, College of Family Life, UMC-29, Utah State University, Logan, UT 84322; 801/750-1529.

University of Vermont, 107 Terrill Hall—ES, Burlington, VT 05405; 802/656-3260.

VPI and State University—CES, Blacksburg, VA 24061; 703/961-5178.

Virginia State University, Box 540, Petersburg, VA 23803; 804/520-6421.

V.I. Extension Service, College of the Virgin Islands, Box L, Kingshill, St. Croix, VI 00850; 809/778-0246.

ES, 411 Ag Phase II, Washington State University, Pullman, WA 99164; 509/335-2511 Ext. #319.

Extension Service, 611 Knapp Hall, West Virginia State University, Morgantown, WV 26506; 304/293-2694.

Extension Service, 610 Langdon Street, 436 Lowell Hall, University of Wisconsin, Madison, WI 53706; 608/262-9691.

Extension Service, University of Wyoming, University Station, Box 3354, Laramie, WY 82071; 307/766-5375.

E. A. Richter is Director of Information for The Missouri Bar. For more information about Missouri's cooperative extension program, contact him at the state bar, 326 Monroe Street, P.O. Box 119, Jefferson City, Missouri 65102; 314/635-4128.

ESTABLISHING LEGAL COURSES THAT SERVE THE COMMUNITY

Jennifer Bloom and Joseph L. Daly

> *Law is the one subject that interacts in everyone's lives, every day of their lives, and even after their deaths.*
>
> *—Inmate, Stillwater State Prison, Minnesota*

Who wants to learn about the law? Our experience here in Minnesota suggests that nearly everyone does. In the last year, law students and staff working out of our Community Legal Education Center have taught law to senior citizens, to mental health patients and their families, and to prisoners and prison staff. We've also offered programs for newly elected Minnesota legislators, recent immigrants, and the clergy. All this is in addition to our long-standing program to teach elementary and secondary students about law, the legal process, and the legal system.

Our program has grown dramatically. In 1978, we began when three law school students invaded the classrooms of three St. Paul high schools. By 1982, we expanded to many other schools and a wide variety of adult groups. Judging from the requests received by the Center for Community Legal Education at Hamline University School of Law, the next few years will see even further expansion.

Hamline's community law program began during the 1978-79 school year, largely as the result of student interest. That year, law students teamed up with high school teachers to provide a unique educational experience by incorporating the basic concepts of law into government and social studies classes through the use of role plays, simulations, case studies, and a mock trial.

The program was well received by the education community, and the favorable responses resulted in the expansion of the program into seven Twin Cities schools during the 1979-80 school year. Since that time, law-related education (LRE) has become an important part of the curriculum of the high schools and, in 1981, served as a model for teaching law to other groups of non-lawyers.

In 1981, Hamline received funding from the North-West Area Foundation to establish a center for community legal education, reaching out to the adult population. The goals of the center are to:

1. Provide law-related education to four specific groups: senior citizens, mental health patients, prisoners, and school children;
2. Develop law-related education programs for the public as requested; and
3. Produce educational materials that explain the law in easy-to-understand language.

Historically, teaching law was left largely to lawyers because of the popular belief that law was a specialized field that could be understood only by persons with years of legal training. However, in the last decade more and more people have realized that law is too important to be left to lawyers, and that one does not need to be a lawyer to teach about it. Using the experience gained from LRE courses in high schools and the materials developed to accompany these courses, school teachers can effectively present legal information to community groups. Many of the strategies and methods that work for high school kids work equally well for the adult population.

Of course, lawyers can teach too. However, they may need assistance in adapting their vocabulary and teaching methods to make public education courses effective learning experiences.

In most cases, the learning experiences lawyers remember and are likely to copy are their law school classes. Most educators agree that although the socratic method might be effective in teaching future lawyers, it is probably not the best teaching method to use in community settings because it is frightening at times and the non-lawyer resists this method. Introducing lawyers to the variety of teaching methods and strategies used in law-related education will help them develop courses that both they and their students will enjoy.

Many lawyers enjoy the opportunity to change the pace of their lives a bit by sharing their knowledge with non-lawyers in an educational, rather than representational, setting. Their ability to provide teaching time to an overworked community legal education program is very valuable.

If a public legal education program is fortunate enough to be linked to a law school, as is our center at Hamline, there exists a ready and energetic supply of teachers. Law students, in addition to sharing their knowledge with members of the public, receive an education themselves. They are required to become familiar with state laws; they are asked to consider interrelated legal problems not easily categorized within specific areas of law; they are exposed to the public's perception of lawyers; and they are given the opportunity to develop lawyer/client relationship skills by learning how to explain law to non-lawyers. In fact, many law students have said that "it just plain feels good." It gives them a chance to get out in the community and use their newly gained knowledge for a specific good.

Beginning a community law program is no different than beginning any new program; there are many ways to go about it. The steps contained here are merely suggestions based on the successes and failures the center experienced in developing its courses.

Although it is possible for you to pick a topic, place, and time for a community legal education course, the results may not be worth the effort. A better way is to work with existing community organizations in the development of your programs. The advantages are many:

1. These organizations are familiar with the needs of the communities they represent and with the limitations of the members of the communities;
2. They have places to hold your classes or suggestions for locations that would be satisfactory for their communities;
3. They are trusted by their members;
4. They often have specified goals for educational programs for their members;
5. They have the communications network necessary to announce your program and recruit participants; and

6. They are often willing to do many of the administrative tasks involved in program planning: announcing, advertising, recruiting, registering, scheduling, and copying written materials.

In addition to saving time and money, using community organizations may provide you with the exposure and publicity that may be needed to keep your program alive. They may have access to and information about funding sources that are not typically tapped for law-related education. For example, funding for a mental health LRE program may be received from a traditional mental health program funding source that may view an LRE course as a new program idea.

One note of caution. Community organizations are often very political in their operations. They compete with each other for funding, for members, and for credibility. Developing a partnership with one community agency may discourage later relationships with competing agencies. A way to minimize the impact of this is to establish an advisory committee made up of representatives of all relevant community agencies. This will provide you with needed assistance in developing your program without encouraging any sense of ownership on the part of one community agency. Names and addresses of most of the agencies can be found in your local yellow pages.

Now that you are organized, do you teach contracts, criminal law, consumer law? Or do you teach wills, commitment proceedings, reasonable force?

When developing a law-related education program for a community group, you will find it necessary to identify the issues of concern to the participants. These issues may be the same that interest many other groups, such as consumer law, or they may be of interest to only one group, such as the legal duties of an executor.

Your community agencies will help you identify the issues that must be addressed by your program if it is to meet the needs and expectations of those who attend the class sessions. Personal interviews with possible participants are also helpful. Whatever method is used, your program must find relevant topics if it is to succeed.

Occasionally you will identify an issue that is new to you. Research then becomes an essential element in your program development. There are many good sources of legal information, and as the field of public education about the law grows, additional sources will become available.

Law students and lawyers can provide valuable assistance in researching and developing materials about new areas of law. A partnership between your project and the legal community will greatly facilitate new program development.

One 2-hour session or a series of five 2-hour sessions—which will it be? It's up to you. Once issues have been identified and researched and teaching materials have been developed, there is flexibility in how the law-related education course is presented to the public.

If the people you plan to teach meet on a regular basis, a presentation may be made as each issue is developed. If, however, you will be teaching a group that is not organized and does not regularly meet, you can cut down on administrative tasks (announcing, recruiting, scheduling) by scheduling a series of classes to meet at a specific time and place for a specific number of sessions. When a program is presented in this way, the development of all issues should be substantially complete when the series begins. Of course, you can reserve the last session for discussion of issues identified during the other sessions.

Your community advisory board can be very helpful in making the decisions about course format, as well as decisions about location, time, day, and length. For example, classes for senior citizens should be held in the middle of the day when transportation is easier and often cheaper.

As issues are presented to community groups, the need to develop additional issues will quickly become apparent. Although many Americans are not familiar with the law, they do have many questions, and the answers to some of these questions lie in the research and development of more issues.

Also, issues developed for one community group may, with only minor alterations, fill the needs of another community group. For example, materials developed on incompetency for a mental health law-related education course may also be valuable in a senior citizen course.

A good source of information on issues is the daily newspaper. For example, "responsible use of alcohol" is an issue of importance in the high schools. This issue also receives a considerable amount of press coverage. Articles clipped from the newspaper will enhance your research and your ability to teach in a relevant and interesting manner.

We have put these principles into practice in our legal education programs for senior citizens, mental health, patients and prisoners. For example, the center developed a course working with the Metropolitan Senior Federation, several of its agencies and with other community groups that serve the senior citizen population. The community groups assisted in identifying relevant issues that were then researched and explained in easy-to-understand written materials. Among the issues were wills, trusts, guardianships, conservatorships, powers of attorney, probate, social security, medicare, financial assistance programs, contracts, consumer law, taxes, and property law. The information was presented in six 2-1/2 hour sessions, meeting once a week during the middle of the day.

Many strategies used in teaching law to high school students were found to work well with senior citizens. Strategies that involved physical movement were less effective because of the physical handicaps that plague some senior citizens. Also, small groups were difficult to keep on task because many senior citizens used the course as a social event, and discussions often moved beyond the law-related education topic. Senior citizens enjoy sharing their life stories, which can be entertaining and enlightening for many but distracting for a few. Efforts should be made to keep the class moving to accomplish the educational goals.

Since the pilot course, which involved 45 participants, three additional courses have been successfully completed. The written materials are being further developed and expanded, and will eventually be published as a book for senior citizens.

The center's initial work in the mental health area involved the psychiatric department at Ramsey County Hospital, a St. Paul teaching hospital for University of Minnesota medical students. Practical issues were identified, such as: employment for the mental health patient, marriage and child custody problems, insurance concerns, worker's compensation claims, the right to appropriate treatment and its refusal, voluntary and involuntary commitment, and the relationship between law and medicine. A series of weekly seminars were then presented to the staff at the hospital. The staff critiqued the presentations and made suggestions as to the best way to present the information to the patients. Weekly classes were then held for out-patients on these and other issues. Finally, the center began working with REACH, a support group for the families of psychiatric patients.

The Mental Health Association of Minnesota recently asked the center to be its education arm on the impact of law on people involved in the mental health area. Presently, educational programs using law students as teachers are being conducted at five varied sites.

Although the staff members and families are easy to work with and appreciate the information they receive, working with the mental health patients is the most difficult aspect of this program.

Oakpark Heights Prison, a maximum security facility, is the newest prison in the United States with a reputation as the country's most secure prison. At the prison, the center's professional staff teaches law to the correctional officers, and law students teach weekly classes in law-related education to the general population and in the mental health unit. Recently, the general population participated in a mock trial (the Street Law child custody case of *St. Clair v. St. Clair*, modeled on *Kramer v. Kramer*) that was an outstanding success.

The key to success in working in prisons is to remain educational. Legal advice cannot be given to anyone.

The center also does occasional programs at the Stillwater State Prison and St. Cloud Reformatory. A close relationship is maintained with the assistant attorney general assigned to the prisons and with the state ombudsman working in the prisons, and this helps a great deal.

The Center for Community Legal Education has not limited its educational endeavors to the target groups described earlier. As other needs for law-related education become apparent and as requests for assistance are made, the center develops additional law-related education courses. Some of these include:

A. *Legislators*. This course teaches basic constitutional law to newly-elected Minnesota legislators. Most legislators are not lawyers and have only a minimal understanding of the United States Constitution, the Minnesota Constitution, and the relationship between the state and federal governments. This course gives them information that is useful in their work.

B. *Recent Immigrants*. Many Hmong-Southeast Asians and Soviet Jews have recently moved into our area. These people need information about their constitutional rights as well as about the practical law that affects them every day; for example, highway rules and landlord/tenant laws. This course, using an interpreter when necessary, teaches basic law to these people. Using an interpreter requires about twice as much time to teach a concept. Therefore, the course time allocated to a particular topic must be increased.

C. *Clergy*. Priests, ministers, and rabbis are frequently required to make decisions in their work that have significant legal impact. This course presents information on issues that are of importance to them, such as business aspects of religious institutions, employee relations, and constitutional rights.

D. *Attorneys*. Although attorneys may know the law, they may need education about presenting the information they have to members of the public. This course is an awareness session designed to introduce attorneys to law-related education teaching methods. They learn to become effective resource people.

After 15 months of operation, the Center for Community Legal Education is now at the point where learning to say "no" has become our key to survival as a center and as individuals. In the beginning, we heartily agreed to share our legal education programs with anyone who was willing to sit down and listen. And this sometimes included very small groups.

But as the public has become aware of our programs and as they have found out that it is not only a valuable legal education but that it is also free, the requested teaching hours have surpassed the staff hours available. The dilemma: does the word "no" become part of our vocabulary when answering the public's requests for law-related education programs, or do we say "yes" but begin charging a fee to enable us to add another teacher to the staff?

With public money scarce, and private foundations less receptive to picking up the operating costs of an existing program, the dilemma increases.

Traditional law-related education programs for the public are attractive to funding sources because they usually serve unempowered, less advantaged people. However, funding is usually limited to "seed" or developmental monies, and once the program is well underway it is forced to find operating funds elsewhere. These programs have minimal chance of becoming financially self-sufficient because the participants usually cannot afford to pay the actual costs of the course. On the other hand, people who can afford to pay are those whose need for the educational services are less.

Although the Center has not found the answer to this question, it is apparent that self-supporting programs are necessary to subsidize the programs that cannot pay for themselves. We hope that in this process the goals of public education about the law are not lost and that all people, unempowered and empowered, receive a needed and valuable education about our legal system.

The Center for Community Legal Education has expanded its law-related education efforts to include not only high school students but all members of the public with a need and an interest in knowing about the law. The difficulties in accomplishing the goals of such a project lie not in finding the need, but in finding the resources to meet the need, both in terms of staff time and support money. However, the rewards are great, and personal growth, excitement, variety, humor, and satisfaction are the results.

Jennifer Bloom is Associate Director, and Joseph L. Daly is a Professor of Law and Director of the Center for Community Legal Education at Hamline University School of Law. For more information about the center, contact them at the law school, 1536 Hewitt Avenue, St. Paul, Minnesota 55104; 612/641-2121.

LIVING THE LAW: A COMMUNITY FORUM

Bruce Braciszewski and Jim Esterbrooks

It appeared much like any other town hall meeting, but the speaker's voice quickly belied the group's outward appearance of tranquility.

"I don't like it," said the man at the podium. "It's very scary. It reminds me of Germany in 1940. It reminds me of Russia right now. It reminds me of China, where on each block there's somebody who keeps count of everything that happens on that block."

What concerned Jack Colby was a series of proposed ordinances before the town council that night, ordinances that would control the contents of cable television, enact strict zoning restrictions on adult entertainment activities, review the moral content of all school textbooks, and create a citizens' advisory committee to help enforce the town's new morality.

Certainly the issues pondered that night were not new ones. Similar debates had taken place all across the country. What was different on this night was the the people who spoke from the podium—including the very frightened Jack Colby—were not the people they purported to be, but actually some of the most influential and knowledgeable people in San Diego.

Jack Colby was actually Al Jacoby, ombudsman for the *San Diego Union*, the city's largest newspaper. Included on the mock town council Jacoby addressed were University of San Diego law professor and California state school board president Hugh Friedman, San Diego city councilwoman Susan Golding, and San Diego County supervisor Paul Fordem. San Diego County Assistant District Attorney Richard Huffman, then-Deputy Mayor Lucy Killea, and others were also playing the role of concerned citizens that night.

They were assembled as part of a forum entitled, "Living the Law," cosponsored by the San Diego County Bar Association, the San Diego County Department of Education, the San Diego Community College District, and the University of San Diego. The forum was held as a means of addressing the American Bar Association's highest priority: educating the public about the law and our legal system.

Several years ago, the ABA Commission on Public Understanding About the Law and the National Community Education Association developed a collaborative approach to public education. They've helped bring local bar associations and centers for community education together for educational programs on significant issues related to the First Amendment of the U.S. Constitution. On May 3, 1982, San Diego became the first community to produce one of the model education programs that resulted from the collaboration.

The cooperative effort followed the community education concept that has assisted many communities in building bridges between public schools, human services agencies, business, civic organizations, and the citizens that these organizations were created to serve. Intrinsic to any community education effort is the belief that all citizens have the right and capability to participate in decision-making processes to solve local problems, and to contribute to the quality of life in the community.

The "Living the Law" forum brought together a broad-based planning group to exchange ideas on informing the public of key legal issues regarding freedom of expression.

The ABA Commission initiated the idea of using a mock town council meeting as the major mechanism for addressing key First Amendment issues. It was the local planning committee's decision to narrow the forum to one issue, and a controversial one at that. Why? Evonne Schulze, a community education consultant who assisted in the forum, said, "Educational programs can be so deadly. They can bore you to death. If you get up there and just lecture people, the chance of the audience really getting involved and asking questions is a lot less likely than if you make it a little more exciting. The forum was really fun. The audience got into it, and it was a very positive experience. And that was our goal."

Using curriculum materials and personnel resources developed by the Commission, the San Diego Center for Community Education convened the planning committee and provided support to this group. The local bar association provided legal personnel from their education committee and resources for publicity. The total cost of the event was less than $2,000 and was shared between the local bar association and the Center for Community Education. The Law School at the University of San Diego provided the facility and refreshments and also assisted with publicity.

Schulze pointed out the value of using recognizable local figures in the forum. "Why was that important?" she said. "Number one, because it showed a commitment on their part to make law more understandable to the common person. Secondly, it served as good public relations for those who took part, and third, by using 'name' players, the public was more attracted to the forum."

Jacoby also had advice for other cities who undertake such a forum. "I think you need to attract an audience that isn't already convinced. You don't want to be preaching to the choir. You want to get an audience that can learn from the forum."

To attract that audience, a broad-based planning committee should be convened. By including representatives from the education institutions (higher education, elementary and secondary schools), legal profession, media, and other community organizations (League of Women Voters, senior citizens groups, parent-teacher associations, Urban League, Junior League), you can assure greater outreach at an early stage. The audience for the forum can be built on the groups' membership. In addition, sponsoring agencies are often willing to provide support (personnel, materials, money) to the effort and may help in winning the participation of key community leaders whose high name recognition will attract greater visibility to the forum.

The forum took three months to organize. Planners narrowed the issues presented so that the audience would not be overwhelmed. Because the forum was designed to induce audience participation, the issues needed to be put before those attending in an interesting, understandable, and concise manner. The answer was to do it as a play, which meant that forum organizers needed the assistance of someone with professional acting experience.

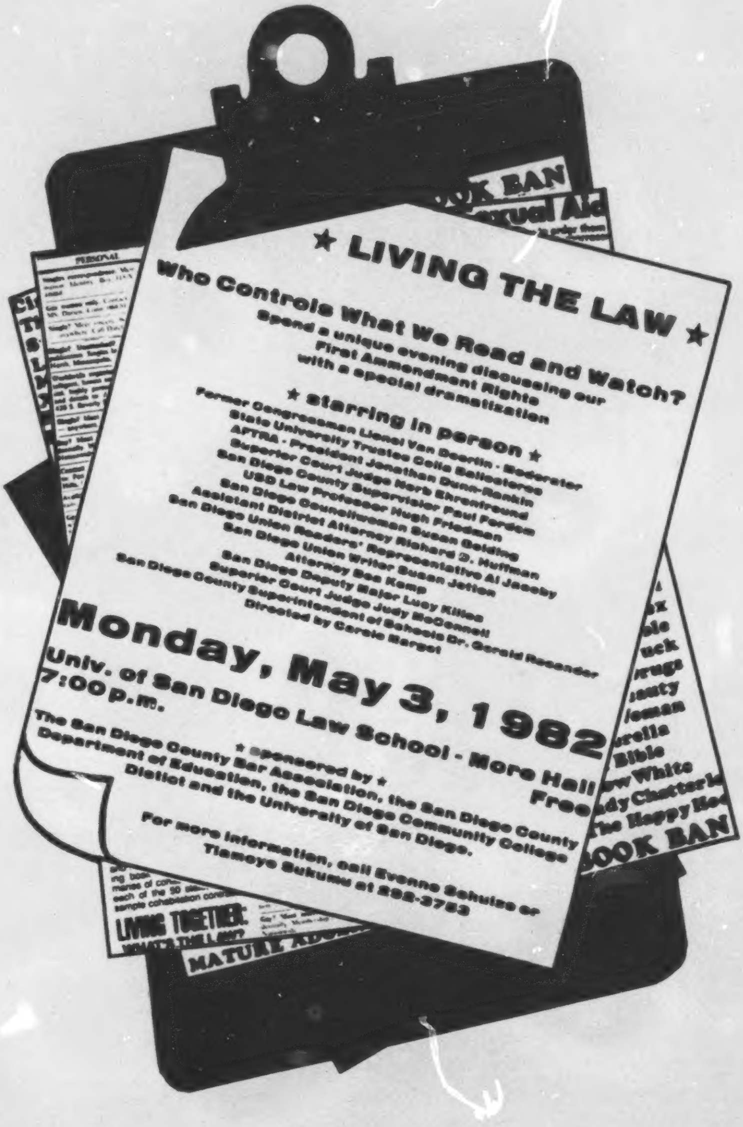
The San Diego forum was lucky enough to attract the help of a person active in local theater who also had directing experience. She reviewed and edited the speaking materials, developed the stage direction, and conducted two rehearsals. She also guided the 13-member cast in adapting to stage direction, playing their roles, and overcoming stagefright.

The evening began with introductory remarks about the nature of the program, followed by the convening of the "town council" meeting. Council members introduced the proposed ordinances, and the presentation of public views began. The program was designed to give a well-balanced airing of the issues and encourage members of the audience to add their views.

The first "witnesses" were cast members playing the role of parents, concerned about the kinds of materials that were getting into the hands of children. These presentations were followed by that of a "liberal," a "conservative," and a writer. The presentations were designed to be thought-provoking and present all sides of the issue. To give the audience the legal background on the issues involved, the "city attorney" followed the "witness" presentations with a statement that put the issues in perspective. Members of the audience were invited to address the "council." Several spoke, making effective and moving presentations. A straw poll was taken on each issue before the town council was asked to vote.

The forum was publicized through the sponsoring organizations, TV and radio public service announcements, and posters and flyers. Local television and radio interviews could also be used.

It's a good idea to videotape the forum, so it can be seen by a much wider audience. The university videotaped the San Diego forum. An edited version of the tape can be used as educational television programming



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and disseminated to interested groups and schools. Clips from the videotape can also be used by television stations to publicize future forums.

The forum was a success from everyone's viewpoint. Participants enjoyed it as much as the audience, 96 percent of whom rated the program "excellent" or "good." Community forums have great potential in educating the public about the importance of the law and the functions it serves in our society. It is only through understanding the law that citizens can responsibly and effectively respond to the problems that confront us in our daily lives. A forum helps bring the law to the community.

Bruce Braciszewski is Director and Jim Esterbrooks is a Public Information Aide for the San Diego Center for Community Education. For more information about the San Diego forum, contact them at the center, 6401 Linda Vista Road, San Diego, California 92111; 619/292-3685. For the curriculum materials, contact the PUAL Commission.

Getting the Law to the Professional Community

In this section, we briefly discuss several approaches to educating the "professional community"—social service workers, physicians, journalists, artists, and others—about the law. Once again, space limitations did not permit a full description of all the programs that are under way throughout the country. For more information, contact PUAL, 1155 East 60th Street, Chicago, Illinois 60637.

HELPING JOURNALISTS UNDERSTAND THE LAW

Robert S. Peck

When the headlines scream that a murder suspect has been set free because of a legal loophole and the television news reports that the Supreme Court has come down on the side of anti-nuclear activists, the public gets a distorted view of the legal system. People form their opinions on the basis of these reports, without understanding what is at issue or why courts have decided as they have. Most simply believe a murderer has gone free because of a technicality and the courts have come out against nuclear power.

The reality can be very different. In one case, the person accused of murder was released because a prior trial had exonerated him. To the harried reporter covering the case under deadline pressure—and all too often without enough training about the law—the protection against double jeopardy could seem like a "legal loophole." Similarly, in the nuclear power litigation, the Supreme Court merely upheld a California law that denied certification to new nuclear power plants until a satisfactory means is devised to dispose of nuclear wastes. The Court took no position on nuclear power; it simply found that the law being challenged by the electric utilities was valid and within the constitutional authority of the state.

Reporters are not to blame for this kind of misreporting. Rather, they are victims of a system that almost seems designed to frustrate their best efforts. Part of the problem is that news focuses on controversial trials. But precisely because of the elements that make cases newsworthy, they aren't typical of the law and legal process. Yet, these cases do account for much of the public's opinion of the legal system.

Further, relatively few reporters are trained to cover the law. All too often general assignment reporters take their turn on the court beat or law-related stories, and it is simply unreasonable to expect them to fully grasp all the legal niceties.

And then there is the problem of the courts themselves. Reporters often complain that decisions are released without adequate warning and that judges and other officers of the court do not make themselves available for follow-up interviews. The result often is maximum pressure for the reporter, with a minimum opportunity for elucidation.

Improving court coverage is a complex problem that will require the best efforts of editors, court personnel, and many others, but important gains can be made by programs that help reporters understand the system. If reporters understand the law and the legal issues, their stories will accurately inform the public about what really has happened.

Throughout the country, this realization has been growing, and more programs aimed at educating journalists about the law have been instituted.

One exemplary program grants journalists a degree, a Masters in the Study of Law (MSL). This program, sponsored by the Yale Law School, is designed to give journalists and other non-lawyers a good grounding in the legal process. Each year, Yale accepts five journalists and five other non-lawyers—often professionals with advanced degrees—into the program. All candidates receive a fellowship to attend. The non-lawyers are people with a professional interest in the law, but with no interest in obtaining a law degree.

According to the program's director, Assistant Dean James Zirkle, journalists learn "more than to report the facts." They learn to explain what happened in court. MSL candidates receive the equivalent of the first year of law school. Like all Yale law students, the MSL candidates spend the first semester taking a required core curriculum of contracts, constitutional law and civil procedure. The second semester gives the student an opportunity to choose electives. Dean Zirkle acknowledges that very often the journalists will choose a heavy dose of First Amendment or related courses because of their immediate application to a reporter's work.

Yale does not permit MSL candidates to transfer into the juris-doctor program to earn a law degree. However, some students have gone on to other law schools that have accepted the Yale credits toward a degree.

The program is funded by the Ford Foundation, which is withdrawing support, the *New York Times* and the *St. Louis Post-Dispatch*. Besides the experience of a year of law school, it offers the journalists special symposia with members of the law faculty and a trip to the Supreme Court.

Another program, discontinued when funding ran out in 1981, was sponsored by New York University Law School. Unlike the year-long, degree-granting Yale program, the NYU course was a week of intensive study taught by the law school faculty for about 20 to 50 journalists. First held in 1978, the Law and Journalism Workshop covered:

- Legal Research
- Evidence
- Federal & State Court Systems
- Administrative Law
- Constitutional Law
- Legal Ethics
- Civil Procedure
- Election Law
- Criminal Law
- First Amendment Law

In addition, the workshop often included a topical subject and the legal aspects of state and local government operations and finances.

One unique aspect of the workshop was a course specifically devoted to court coverage. Reporters learned techniques for covering court proceedings without ignoring something thought to be "too technical" and thus writing stories that misrepresent court decisions.

Workshop students attended four 90-minute classes a day for five days. The classes were supplemented by working lunches and several dinners with guest speakers.

Students had plenty of opportunities to buttonhole professors to ask questions and talk about legal problems. Many alumni of the workshops found this the most valuable aspect of the program. Professors also used the classes to air their biggest gripes about legal reporting, giving the journalists a lawyer's perspectives on their colleagues' shortcomings.

The workshop was run without tuition cost to encourage attendance by reporters outside the courthouse beat and from small newspapers where it was thought the program would do the most good. The employing media was responsible for travel and other expenses. Dormitory space at NYU was provided at a modest cost.

The annual budget for the yearly workshop was $20,000 to accommodate 50 students. The costs include a director, per diems for the professors, meals, receptions, mailings, and course materials. Organizers are hopeful that the program will be revived and are looking to a summer 1984 date for the next workshop.

Many state bar associations sponsor annual media and law conferences designed to create a better working relationship between the legal profession and the press. Typically, these one-day conferences explain the state court system, access to information and records both during and after a case is tried, and fair trial/free press issues. These conferences are useful ways to give legal reporters important information and establish the bar associations as a resource.

Another way to reach journalists is to educate them about the law before they begin covering the courts and legal world. This can be accomplished by courses offered in the journalism schools. Most schools give their journalism majors one or two law courses, though these generally cover only communications law. What are often missing are courses intended to inform students about other areas of the law that might be just as important to their jobs as reporters.

Several bar associations have responded to that challenge. The Missouri Bar, for example, cooperates with the University of Missouri in offering a law course for journalism students called "Law and the Courts." Through the course, the students are given a practical view of court operations from the viewpoint of the participants in a case. Writing assignments emphasize coverage of court sessions and decisions.

Among the topics covered are the roles of law enforcement officers, prosecutors, defense attorneys, and circuit judges. Students also learn about constitutional rights in criminal cases, probation and parole, civil cases, probate court, federal courts, administrative proceedings, and juvenile courts.

Educating journalists is a strong—if indirect—way of educating the public. If a reporter does not understand the law that is part of his story, the public won't understand it either. Educating the press will not only promote legal understanding among an important professional group, but also among the broader public.

EDUCATING PROFESSIONALS ABOUT THE LAW

Charles J. White

There is not one public out there to be educated, but dozens and even hundreds of publics. You can divide the public by gender, by age (programs for the youth or the elderly), or by place (city, suburb, small town).

You can also think of the public as being composed of persons who work in thousands of occupations, some of whom may need education about the law to help them function better in their work. "Professional" workers may have a particularly strong need for education about the law. These men and women—social workers, accountants, physicians, and many others—may benefit from law-related instruction in at least two ways: they may need it for themselves, in order to know how the law defines their duties toward their clients and how the law regulates the business aspects of their dealings, and they may need it to know how the law affects the interests of their clients. Courses in law usually are not a part of the preservice education of these professionals. Once they find themselves out in the world, they may acutely realize the need for such knowledge.

But how do you determine which professionals want and need law-related education? How do you know which topics they need most? How and where do you reach these professionals? Finally, perhaps the most important questions, how can you put on an educational program that will truly benefit these professionals? What techniques can you use to make the law seem less threatening to them, while at the same time explaining what they need to know in language they will understand?

The Children's Legal Rights and Information Project has been successfully grappling with these problems for seven years. The project exists to provide information about the whole range of laws pertaining to children and youth. Its primary clientele are front-line staffers who work with young people—probation officers, social workers, and intake personnel.

The project's experience has given founder and staff director Roberta Gottesman many ideas on how lawyers can reach not just this class of professionals, but professionals in general. Here are some of her tips.

Getting Started. The first job is to find out if there is a need. That was relatively easy for Ms. Gottesman. From 1971 to 1975, she was a lawyer in the Office of Child Development of the Department of Health, Education and Welfare. In that job, she delivered many speeches to nonlawyer audiences at meetings of such groups as the American Psychological Association and the National Association of Social Workers. Most of the time, she was greeted by blank stares when she tried to explain that the law has a strong impact on their work and can be beneficial to them in many ways. As she discussed the relevance of recent Supreme Court decisions and changes in federal laws, she could see that these front-line professionals did not have the vaguest notion of how to use the law. 'They thought of the law as something strange, mysterious and menacing," she says.

Some of these professionals know one or two areas of the law but almost none realizes that many laws and decisions might be relevant to the fate of an individual child. Ms. Gottesman feels that in dealing wth daily needs of kids, these professionals need a broader perspective. "They need to know that a variety of laws might affect the child. By one definition, a child may be mentally handicapped and fall under one set of laws, but that same child may be a truant or an abused child, and thus fall under other laws. The professional can help if he knows the full range of relevant laws that might be used for the benefit of his clients."

Ms. Gottesman's experience suggests that one good way of finding out which professionals need to know more about the law is to talk with the lawyers who deal with that group. Do these professionals generally express similar needs? Do they usually ask the same questions?

You could talk informally with some professionals to find out their needs first-hand, or you could talk to their own professional organizations, which may be able to provide another perspective. Perhaps these organizations even have committees that are looking into the educational needs of their members.

If you are dealing with social workers and others who work for the government, another approach is to go to supervisors in those offices and ask them what they think front-line professionals (and they themselves) need to know about the law that affects their work. Or, you might work through the state attorney general or through local state's attorneys, to determine their perspective of what professionals in various areas need to know about the law.

Written Materials. Having determined what professionals want and need to know, you might prepare written materials for them. We all know that books, magazines, brochures, and other written materials have their limitations from an educational standpoint. For the most part, there is no substitute for learning situations that give professionals the opportunity to participate fully and ask questions. However, classes, conferences, and workshops might not be possible in every circumstance, and written materials can convey a lot of useful information—and keep conveying it in the months and years ahead.

Ms. Gottesman says that ideally she would create several different kinds of materials to cover a given area. One would be a textbook laying out the basic law in the subject (in layperson's language, of course). This would provide an overview of the basic principles in the area, including federal law, Supreme Court decisions, and examples of some state laws.

This text could be supplemented by a journal appearing four or six times a year and updating information in the text.

In turn, this could be supplemented by a newsletter providing still fresher developments, along with analyses of what these developments might mean. This publication should be free of charge. It could be almost chatty. Its basic orientation would be, "Here is a new change in the law—what does it mean to you?"

Another kind of supplement would be an analysis of developments in particular areas of the law. For example, perhaps the basic text did not deal specifically with child pornography, but the area all of a sudden became one of great concern to the public and professionals. A child pornography supplement could be put out, dealing with the issues, changes that have come about in the past ten years, and many other topics that would help a professional interested in responding to this new challenge.

Of course, the publications that you put out yourself are not the only publications that matter. Ms. Gottesman writes a monthly column for the journal of the National Association of Social Work. In a question-and-answer format, she explores topics of particular interest to that readership. And magazines and newspapers for a general audience might also be interested in columns on some areas of the law.

Conferences. The other principal approach to reaching people, of course, is through oral contacts. In Ms. Gottesman's case, most frequently that's through conferences. Her organization has done more than twenty-five over the past seven years. Most are two-day conferences reaching 300 or so persons, usually representing many disciplines. A typical conference might include four sessions each day. The first day could deal with such topics as child abuse, the educationally/mentally handicapped, medical care for juveniles, and juvenile justice. The second day could deal with adoption, divorce and custody, aid to dependent children and foster homes.

How might topics be chosen? Your state attorney general might provide guidance on what topics are particularly "hot" at that time. Or conference planners might talk to people in the state and do research on new laws and court decisions. The idea is to gauge both the legal ecology and the needs of professionals in that state.

It is important that these program be put on in conjunction with recognized group(s), both to provide legitimacy and to provide help in reaching interested professionals. Cosponsors might include the state's attorney, the attorney general, other state departments, and local or county departments. In addition to lending their help in attracting participants, they can help you plan and put on a program. A presentation from a state official adds credibility to the program and makes sure that it truly does reflect state/local interpretations.

Methodology. In both conferences and written publications, it's essential to start with what the law means to the professionals in question. You've got to anticipate their questions. Why should they know about it? What good will it do them? How will it change their work? Why should they go to the trouble of learning about it? And you've got to tell them the answers to all these questions in a language that they understand. You simply have to get out of the lawyer mentality and remember that anything worth learning can be explained in plain English.

A good technique is to walk them through an example that shows how important the law is to them. For example, if there has been a change in that state's law, what is the rationale behind the change? How does it affect the client? How does it affect the professional? To make all these abstractions meaningful, come up with hypotheticals that get these points across in graphic, human-interest terms. Make them lively, full of details people can relate to and empathize with.

Though Ms. Gottesman advises trainers to get away from legal language, she thinks that at least one aspect of legal training is most helpful: the ability to see all sides of an issue. She suggests that you come up with hypotheticals that involve the interests of all relevant groups. If a new court decision affects parents, the state, and the child, then create a scenario that brings in all of them. Walk the audience through the case three times, showing a different side each time.

Help them learn to be objective, weighing and balancing the interests at stake and seeing that there almost always is some merit on each side. If, for example, you were teaching police officers about the insanity defense, you have to get them to understand why the defense sometimes seems just and humane. Present them with a hypothetical in which their mother or spouse is mentally distressed and accused of a crime.

Keep plenty of time open for questions from the audience, and make sure that an attorney from the jurisdiction has plenty of opportunity to answer the questions. Don't try to gloss over inconsistencies in the law. Point out that not all laws are made at the same time, and they don't always jibe perfectly.

And, finally, stress to them that the goal is not that they become amateur lawyers. The training isn't supposed to do away with the need for a lawyer, but rather help the professional use the law to help his clients. Sometimes the services of a lawyer won't be necessary; sometimes they will. But either way, the professional must have some knowledge of the laws that apply and must be able to recognize legal problems and legal opportunities.

Publicity. As mentioned earlier, providing publicity is one of the best uses of cosponsoring organizations. To the extent that you do the publicity yourself, here are a few simple tips. Flyers should be simple and not try to convey too much. Build on what you think that group is most interested in, and stress that the conference will help them do their jobs better. Emphasize that they will learn practical information that they can put to use right away in their job. And stress that knowing about the law may save them a good deal of grief down the line.

New Horizons. Good written materials and oral presentations aren't the only avenues. One of Ms. Gottesman latest projects involves providing training on cassette tapes for specific jurisdictions. The tapes bring listeners up-to-date on new laws or changes in the law in that jurisdiction. (In Maryland, even state legislators are listening to the tapes and getting a better notion of what the changes mean.) These 45-minute to one-hour tapes are chatty and colloquial (they are supplemented by written materials providing citations and more technical details). Professionals can listen to them on their lunch break.

Another means of getting the word out is to serve as a keynote speaker/workshop leader at conferences given by others. Once again, you benefit from the credibility of the sponsoring group (to say nothing of the built-in audience), and are able to convey at least a little information, as well as getting across the basic idea that law-related education for the members of these groups isn't scary and will do them a lot of good. Ms. Gottesman has made such presentations at social worker conventions, at meetings of the National Association of School Boards, and at meetings of parent-teacher associations.

Radio and TV talk shows provide yet another avenue. These programs are always looking for people who can talk well and know something about a topic that interests listeners. It's worthwhile to take time to cultivate the people who book for these shows. Convince them that you're an expert and can answer questions that will come up. Establish your credibility, convince them that you are articulate, and sooner or later they'll start to call you. However, this is something you have to continue working at. Because of rapid personnel changes at most stations, you may suddenly find that your phone isn't ringing any more. As soon as something pops up in the news that you think you're qualified to comment on, call them and see if something can be arranged. But remember to do it quickly—"today's news is tomorrow's old fish."

Some Miscellaneous Tips. Make sure that your educational programs contain no advocacy, but only provide information. Nothing can get you in hotter water than seeming to represent a particular viewpoint.

Pay attention to feedback you're getting from audiences. Evaluation forms at conferences are usually useless, since people tend to say that they liked the program, and that may reflect the personality of the presenter far more than the value of the information. Instead, pay attention to the audience while speaking: how attentive are they? Are they involved? Is the presentation geared to their level? Make sure that materials are piloted in various localities, and get tough critical feedback on them.

Make the information hit home. Get the audience's empathy. Let them know that in private life you are much like them. Ms. Gottesman reminds them that she is a parent, too, and cares about children as much as they do. Having their empathy, make sure you keep it. Let them know that the law is a living, human thing. Above all, apply the nuances of the law to the feelings of the audience. Don't let it be dry.

It usually helps to have some kind of institutional affiliation. Ms. Gottesman has been teaching at the Catholic University for some time. Being able to note that affiliation in her materials adds to her credibility.

Anticipate the resistence you will meet. A lot of people find the law scary and way too complex. By your manner and by the content you convey, convince them that it's otherwise. Let them know that training won't be a terrible experience—and that it will help them do their jobs better than they ever have before.

REACHING THE MENTAL HEALTH COMMUNITY

James A. Vargo and Elisabeth T. Dreyfuss

In the past few years, major changes in both the condition and orientation of mental health law have occurred. In 1975, the Supreme Court decided that a client in a mental health facility had the right to say "treat me or release me." This past year the Court once again had the opportunity to extend guarantees to the client but would not go so far as to say that there is a right to treatment.

While constitutional guarantees may not exist for all the problems peculiar to those individuals receiving care in mental health facilities, these clients do have rights equal to every other citizen. However, these rights are not respected automatically. To make them a reality, the mentally ill clients must seek out assistance to improve their conditions and become socially acceptable members of society. The irony of this situation is that the mentally ill individual does not have enough information about the law and has little idea of what channels to go through to secure individual legal rights.

The solution may be stated simply: set up a program to teach the clients in mental health care facilities their rights. But it is not so simple. Granted, the goal is to make this group of individuals aware of their rights and how the law may benefit them, but how can you do it? The law is complex. It cannot be taught straight from a case reporter or law school textbook. It must be geared toward a particular audience.

In the case of the mentally ill client, some special problems arise. The first factor to be considered is that an individual who has been institutionalized for a considerable portion of life lacks the necessary social and interpersonal skills to be an effective advocate of personal rights. Second, the mental illness of each individual may impair transmitting legal information to him.

We first considered these factors when developing the Street Law Mental Health Project in early 1981 through Cleveland-Marshall College of Law. Western Reserve Psychiatric Rehabilitation Center in Northfield, Ohio, a long-term mental health care facility where residents remain for a year or more and have chronic disorders, saw the need for a legal rights program for clients who would soon be discharged. The hospital staff contacted the Street Law program to see what plans could be developed. In the two years since the original contact, the Mental Health Project has succeeded in meeting some of the needs of Western Reserve PHC through programs that have helped residents understand their legal rights and at the same time have improved their social skills so that each individual can use these rights in daily life settings. In the process, programs were developed to make the staff of the facility more aware of legal issues relevant to mental illness.

A program such as the Street Law Mental Health Project could be developed in almost any area for any mental health audience. Several factors should be considered: where to implement the program, the goals to be achieved, and the exact needs of the facility. After this, a how-to aspect is involved: implementing the program, using a law student as a teacher, and emphasizing the active role of the client.

The first consideration is where to implement the program. In the case of Street Law, this was not an issue since a hospital had requested aid. Western Reserve is a chronic, long-term care facility. Many of the residents may never be discharged. In such a facility, the group that will derive the greatest benefit from learning legal issues is the group scheduled to leave the institution within a short period of time.

Another possible setting is the short-term, acute care facility, where the client remains for less time. In state facilities in Ohio, for example, the stay for the average client is now 21 days. The Mental Health Project has recently begun developing programs for two short-term facilities in the Cleveland area: Fairhill Mental Health Center and Cleveland Psychiatric Institute. While a program of classes in a long-term facility can run for up to ten weeks, a short-term facility needs programs that can be presented in one or two more intense classes since the length of stay is so much shorter. In these instances, there are advantages to directing programs toward the staff.

Training staff leaves a permanent mark at a facility since staff can train others and carry on a program after the initial developers have gone. Staff trainers at the facility have expressed an interest in continuing programs that increase staff and client awareness of the law. If they can carry on the program, our role will be to update materials and provide refresher courses for the staff.

Those who use interim support services—group homes, halfway houses or other shelter services—also can benefit from training. Street Law has one program for a support service in Cleveland, the Panta Rhei Sheltered Workshop. Individuals entering group homes are more independent than most persons in mental health facilities, and some find employment in the city. The best time to reach these individuals is prior to their release from the hospital to a group home. In a way, the timing is critical. When a person enters a group home, the client becomes a member of the community and must interact with other individuals. Ignorance of the law or lack of social skills will create anxiety just when support and awareness are needed to survive. But proper training even at these group homes will help avoid the possibility of an individual failing to cope with daily pressures and ending up back in a psychiatric hospital. Currently, there is an 85 percent recidivism rate at Cleveland's short-term hospitals. Through Street Law, we hope this figure will decrease as clients become more aware of their legal rights.

The final target group is after-care community facilities. These are support services where discharged clients of mental health facilities or people off the street with problems can go for counseling, support, and care. What better place to include an advocate with legal knowledge or law student to aid those in need?

As can be seen, each facility is different in structure and clients served, so materials must fit the needs. The best way to develop materials is to work closely with the personnel at the facility to determine what problems are most pressing. At Western Reserve, several areas were covered: housing and consumer law, voting rights, employment rights, pharmacy law, and nurses' rights. At Fairhill, new areas will be covered in addition to those above: confidentiality, welfare law, social security, the right to treatment, and the rights of families of the institutionalized.

The next step is to determine the goals of the program. Several are obvious: to develop awareness of rights of the institutionalized individual and to present materials so the individual will be able to use and improve interpersonal and social skills, thereby reducing anxiety.

When the needs and goals have been determined, the plan of implementation must be developed. At Western Reserve, Street Law works primarily with clients 18-22 years old who have a favorable outlook for discharge in a reasonably short period of time. In this group of up-to-ten people, we discuss housing and consumer law. These topics provide information concerning the basic needs of most individuals: food, clothing and shelter. Materials were researched and put into a usable form by law students.

The materials contain the current laws in each area, along with examples and problems to be solved. In addition to the paper materials, many visuals and models are used to convey the abstract ideas of the law. The class is presented once a week for one hour, with a staff person reviewing the materials with the clients in a separate session.

The teacher for these classes is a law student. Only two requirements exist for a law student to become involved in the Mental Health Project. One is to take a law course entitled, "Psychiatry and the Law." The course helps the student understand the relationship of the legal system to those individuals considered mentally ill. The second requirement is that the student enroll in the Street Law Clinic, through which two credits per quarter of involvement are earned. Street Law allows a student to put into practice the theories learned in law school courses, which helps the student to develop skills as an advocate. Thus benefits accrue both to the client recipients and to the students.

To make the program beneficial, the teacher cannot present one hour of lecture. That technique does not work well in secondary schools and not at all in a mental health setting. Short attention spans, the effects of mental illness, and drug treatment must all be overcome. This can be accomplished by involving the client in each class. An active participant will be more receptive than a disinterested listener slowly withdrawing into a shell of boredom.

Several techniques successfully transmit legal information, build a common-sense awareness, and at the same time keep the parties interested. The first of these, and one that develops a bond between the teacher and clients, is group discussion. Each client is asked about past experiences. This helps to determine the group's level of knowledge of the law. Answers to questions such as "Have you ever rented a place to live?" or "Have you ever purchased a product and found it defective?" can be very enlightening to the teacher. Many clients will list a variety of experiences, but some will have had none. The result is that the material can be geared even at this early point to the actual audience. Questions arising from the clients can be discussed in detail. The teacher can also determine at that time which clients are most willing to speak and share ideas and which need encouragement.

To get the less extroverted to respond, we use a question-and-answer format. The Street Law materials contain problems that are discussed in class. The client should feel no pressure if he cannot answer, or answers inappropriately. Instead, he should be supported to the extent the answer was correct, and then offered other possibilities. With a lot of encouragement, many clients will reveal that they have knowledge of some legal areas, especially areas involving commitment and discharge proceedings; sometimes, they know more than the teacher knows. The teacher then works positively with the knowledge the clients possess and helps them to expand on it to become more aware consumers.

One of the most effective ways to get clients to participate is role-playing. Here, the client must act out a real situation with the goal of becoming a more aware consumer. The role-play is a simplified and less stressful adaption of psychodrama, a therapy that forces a client to face a problem and develop a solution by acting in a staged situation. The role-play used by Street Law is not as intense, but the result is the same. The client should finish feeling better about himself.

The role-play must be explained to the clients in detail prior to using it, and at the end the clients must be debriefed as to what occurred and what other options are available. For example, one role-play involves the purchase of three wristwatches of varying styles and prices. One client plays a salesperson; another client, the consumer. The consumer has to decide which watch to purchase and then justify the purchase. The consumer then has to return the wristwatch, claiming that it was defective. The consumer needs to be aware of what is necessary to make a return: a sales receipt, a warranty, and an explanation of the defect. The salesperson in these role-plays varies from quite harsh to a soft touch, so the consumer has to adapt to the situation.

The actors and observers come away from the role-play feeling that they could respond appropriately in a real-life situation. The role-play must remain controlled and structured. While the group leader should not participate in most situations until the end, if the clients go off point the leader should be able to get them back on track and still maintain the role-play.

Another useful technique is the group task, where the clients can be asked to write a letter of complaint or request more information about a product. Clients realize that they are able to do tasks as a group and later will discover that they can function on their own. Using group process techniques also enables clients to work with others toward common goals. These techniques may then be transferable to a home situation.

One final consideration is preparing a budget, especially in these shaky economic times. The major expenses are salaries for contact instructional personnel, materials development, teaching and evaluation. Other budget items include supplies, travel, and indirect costs to the law school for heat, space, lights and payroll. Overall, the costs are small and a group of hard-working individuals can produce a successful program and have some impact on the mental health system.

In summary, the goal is to provide mentally ill people with access to legal information essential to daily living. The teaching method is one that strengthens both individual and interpersonal skills. The substantive areas of instruction are chosen because they are relevant to life within mental health facilities and to support programs for mentally ill people in the community. The value to law students stems from the application of theory to practice. The community is benefited because mentally ill people can better handle events in their lives through their understanding of the law.

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ADDRESSING THE SPECIAL INFORMATION NEEDS OF THE ARTS COMMUNITY

Tim Jensen

Many segments of the public need particular kinds of legal information. Artists, for example, face unique legal situations that generalized education programs don't address. An artist needs to understand areas like contractual rights and copyright that are not important to the general public.

Volunteer Lawyers for the Arts (VLA) was established in 1969 by a group of lawyers sharing a common interest in the arts community and a desire to provide it with substantive assistance. To artists and arts organizations unable to afford legal counsel, VLA offers free legal assistance and free legal information in the form of advice, seminars, and periodicals. At the same time, we hope to increase the legal profession's awareness of problems faced by the arts community.

When it began, VLA was the only organization of its kind in the country. Today, it is the best known of more than 30 such groups, including one in London, that collectively involve the services of nearly 2,000 attorneys. An informal national network works cooperatively, significantly expanding the services individual VLA-type organizations can offer. A New York artist with a claim against a California gallery, for example, can approach his hometown VLA and end up being represented by Bay Area Lawyers for the Arts in San Francisco. In addition to helping coordinate existing arts legal service organizations, VLA often shares its expertise on referral procedures, substantive law, and fundraising with lawyers and arts administrators interested in beginning VLA-type organizations in their own communities.

Providing comprehensive legal education to the arts community has always been a major VLA priority. Preventive counseling—legal advice before a problem arises—is clearly preferable to remedial action. Unfortunately, many artists are so eager to gain exposure, or a sales outlet for their work, that they are unwilling to raise any questions about their rights for fear of killing the deal. VLA cannot, of course, prevent a publicity-starved rock band from signing a terrible recording contract, since such decisions ultimately rest with the client. It can, however, make artists aware of the laws that affect and protect their creative work and explain the legal ramifications of a proposed course of action.

To help the artist recognize the existence of legal questions, we conduct conferences and workshops, publish basic legal primers, and publicize our availability to speak to groups or answer individual questions.

As a matter of fact, VLA receives dozens of telephone inquiries from artists every day. They ask about every facet of their work—copyright protection, music and publishing industry practice, landlord-tenant law as it relates to artists' studios, insurance problems, sales tax obligations, small claims court procedures, artist unions, and the techniques for forming a non-profit organization.

Most telephone inquiries are answered immediately by a staff attorney. If a question requires research before an answer can be given, a law student intern will be assigned to the matter. That intern will later telephone the artist with the requested information. A similar procedure is used for letters that request basic legal information.

It should be noted that many of the questions asked are about arts business practice rather than about law. For example, an artist might want to know what royalties are normally paid to a photographer whose work is reproduced on greeting cards, or how much an option to rework a novel for the stage might cost. VLA either answers these inquiries directly or refers the artist to one of the many professional organizations—the Graphic Artists Guild or the Dramatist's Guild—that compile price guidelines for work done by their membership.

VLA publications are designed to help artists understand the legal issues that affect their creative lives. While none are meant to replace an attorney, they nevertheless offer some basic guidance that can help an artist make the most effective use of a lawyer's time should one become necessary or sometimes avoid the need for one altogether. Among our publications are:

- *Fear of Filing*—a handbook to help artists (performers, visual artists, writers) understand the federal tax system, cope with the variety of tax categories, and file the necessary forms. A supplement is printed each year to incorporate the latest tax law changes.

- *To Be or Not to Be*—an artist's guide to not-for-profit incorporation. It discusses the pros and cons of corporate status for arts and cultural groups, the attendant legal responsibilities, and the information needed for an attorney to draft and file the forms for incorporation and tax-exempt status.
- *Cable Production: What Every Arts Organization Needs to Know*—the transcript of VLA's 1982 conference on the legal and business aspects of cable production.

Forthcoming publications include a comprehensive artist's housing manual that will provide detailed and accessible information on loft living, zoning, and leases; a study of the problems faced by literary magazines and small presses in obtaining tax-exempt status; a writer's legal guide; and a series of brochures on copyright.

Starting in 1982, VLA began holding conferences on a single legal topic for the arts community. Our "Writers and the Law" Conference covered privacy rights, labor issues, publicity issues, and the impact of a changing economy on the publishing industry. Afternoon workshops addressed copyright, contract, and libel issues. Writers, editors, literary agents, and lawyers attended.

VLA's second conference focused on the legal and business aspects of cable production. Because of the prevailing interest in cable, the event received enormous attention from artists and arts organizations. Participants learned about the legal and financial complexities of a cable deal and received practical information about working with this emerging industry.

VLA's next conference will deal with legitimate profitmaking activities by non-profit organizations, a topic of critical importance in light of recent federal and state budget cuts in the arts area.

In addition, VLA conducts weekly workshops on the implications of, and alternatives to, nonprofit incorporation. Conducted by VLA staff attorneys, these seminars draw steady crowds of 20-30 people per session. VLA also runs a series of legal clinics in metropolitan New York communities, in cooperation with local arts councils. Generally, a clinic lasts a full day and includes individual legal consultations, a workshop on a practical topic, and a question-and-answer period.

These activities are supplemented by an active speakers' program. VLA attorneys talk to arts organizations, cooperative galleries, and art students on wide range of topics. We often prepare materials to accompany these talks.

These activities are an essential supplement to our legal representation program. They are carried out by a staff that consists of an executive director, a director of legal services, and a staff attorney. We also use supervised law students and volunteer lawyers to expand our in-house capacity. About 500 attorneys have volunteered in New York City.

Since its inception, VLA has been financed by private foundations, individual contributors, and government funds, including the National Endowment for the Arts and the New York State Council on the Arts. Income is also generated by the sale of VLA-published periodicals and by the collection of a small administrative fee from each artist and art organization served.

Tim Jensen is a Staff Attorney for Volunteer Lawyers for the Arts. For more information about programs for artists, contact him at VLA, 1560 Broadway, Suite 711, New York 10036; 212/575-1150.